

ORIGINAL

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 KITCHEN WINNERS NY INC.,

6 PLAINTIFF,

7 -against-

CIVIL Action No.:
22-cv-05276-PAE

8 ROCK FINTEK LLC,

9 DEFENDANT.

10 -----X
11 ROCK FINTEK LLC,

12 COUNTERCLAIM and THIRD-PARTY PLAINTIFF,

13 -against-

14 KITCHEN WINNERS NY INC.,

15 COUNTERCLAIM DEFENDANT,

16 and

17 ADORAMA INC., HERSHEY WEINER, JOSEPH
18 MENDLOWITZ, JNS CAPITAL HOLDINGS LLC and
19 JOEL STERN,

20 THIRD-PARTY DEFENDANTS.

21 -----X

22 DATE: September 12, 2023

23 TIME: 2:16 p.m.

24 EXAMINATION OF NON-PARTY WITNESS,

25 ALEXANDER KING

RAPID REPORTING LLC
254 South Main Street, Suite 216
New City, New York 10956
(718) 310-0704

DATE: September 12, 2023

TIME: 2:16 p.m.

VIDEOCONFERENCE DEPOSITION of
ALEXANDER KING, a Non-Party Witness,
pursuant to a Subpoena, held remotely via
Zoom, before Phyllis F. Russek, a Shorthand
Reporter and Notary Public of the State of
New York.

A P P E A R A N C E S:

LIPSIUS-BENHAIM LAW, LLP
Attorneys for the Plaintiff /
Counterclaim Defendant
KITCHEN WINNERS NY INC.
80-02 Kew Gardens Road, Suite 1030
Kew Gardens, New York 11415
BY: ALEXANDER SPERBER, ESQ.

POLLACK SOLOMON DUFFY, LLP
Attorneys for the Defendant /
Counterclaim and Third-Party Plaintiff
ROCK FINTEK LLC
31 St. James Avenue, Suite 940
Boston, Massachusetts 02116
BY: PHILLIP RAKHUNOV, ESQ.

LAW OFFICE OF AVRAM E. FRISCH, ESQ.
Attorneys for the Third-Party Defendants
JNS CAPITAL HOLDINGS LLC and JOEL STERN
1 University Plaza, Suite 119
Hackensack, New Jersey 076011
BY: AVRAM E. FRISCH, ESQ.

ALSO PRESENT: YISROEL STEINBERG, ESQ.

FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by
and between the counsel for the respective
parties herein that the sealing, filing,
and certification of the within deposition
be waived; that the original of the
deposition may be signed and sworn to by
the witness before anyone authorized to
administer an oath, with the same effect as
if signed before a Judge of the Court; that
an unsigned copy of the deposition may be
used with the same force and effect as if
signed by the witness, 30 days after
service of the original and 1 copy of same
upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form, are
reserved to the time of trial.

* * * *

1 KING

2 THE REPORTER: Counsel, I see a
3 a New Jersey driver's license. I'm
4 just making sure you're all okay
5 that I'm a New York notary.

6 MR. FRISCH: Fine with me.

7 MR. SPERBER: Fine on my end.

8 MR. RAKHUNOV: That's fine.

9 A L E X A N D E R K I N G, called as a
10 witness, having been first duly sworn, by a
11 Notary Public of the State of New York, was
12 examined and testified as follows:

13 EXAMINATION BY

14 MR. SPERBER:

15 Q Please state your name for the
16 record.

17 A Alexander King.

18 Q What is your current address?

19 A 133-33 Brookville Boulevard,
20 Apartment 208, Rosedale, New York 1142.

21 Q Mr. King, good afternoon. My
22 name is Alexander Sperber. I am --

23 A How are you?

24 Q Very good; thanks. I am one of
25 the lawyers in this action and I'm the

1 KING

2 lawyer for Kitchen Winners New York Inc.
3 and for Adorama.

4 Have you ever testified at a
5 deposition before?

6 A No, I have not.

7 Q How about at a trial?

8 A No, I have not.

9 Q So let me give you the
10 instructions that, you know, just so you
11 understand how the whole process works.

12 We have a court reporter here
13 who's taking down everything that I say,
14 everything you say, everything that the
15 other lawyers here say. So it's important
16 that we don't speak over one another so
17 that the reporter can get a clean
18 transcript of what everyone is saying.

19 Is that all right?

20 A Sure. That's understandable.

21 Q Do you understand that you are
22 under the same oath that you would be in as
23 if you were in a courtroom?

24 A Absolutely. Understood.

25 Q If you don't understand one of

1 KING

2 my questions, please let me know. Unless
3 you tell me otherwise, I'm going to assume
4 you understood the question. Is that all
5 right?

6 A Absolutely. Understood.

7 Q Is there anything that would
8 prevent you from thinking clearly or
9 testifying truthfully today.

10 A Absolutely not.

11 Q Perfect. If you need to take a
12 break during the deposition, that's fine.
13 Let me know. As long as there is no
14 question unanswered, you are welcome to
15 take a break at any time.

16 A Okay. Thank you.

17 Q In preparing for today's
18 deposition, did you review any documents?

19 A I did not review specific
20 documents per se, but I reviewed some, you
21 know, shipping reports and -- and -- and --
22 and -- and -- and related materials, but
23 no, not, not in depth.

24 Q Do you recall receiving a
25 subpoena from my office?

1 KING

2 A I do not. I did not. I
3 actually, my Chicago office received it and
4 it was forwarded to me. It was scanned to
5 me and e-mailed to me. So I did not
6 personally receive it. I -- I received a
7 copy of it, but I was not at the physical
8 location to receive it, no.

9 Q The subpoena asked for you to
10 look through documents to try and find
11 anything that might be relevant about this
12 matter. Have you or anyone else in the
13 company looked through the documents to see
14 if you have anything that would respond to
15 what we are asking for?

16 A I did not -- can you repeat the
17 question please, Alexander? I apologize.

18 Q For today's deposition, part of
19 it also asked for documents. You had
20 documents that would relation to, for
21 example, the transaction at issue in this
22 case. Have you had a chance to look
23 through Dimerco's documents to see if you
24 have anything that would respond to what we
25 were asking for

1 KING

2 A I'm not exactly sure what
3 you're asking for. I do not know what
4 relevant information that my company and
5 the services that we perform have anything
6 related to this deposition -- I mean to
7 this dispute between you and Rock Fintek.

8 Q All right. So let's back up.

9 A I am sorry, Alexander. Please,
10 you know, if I'm not answering it, just
11 please follow through on your questions and
12 I will try to follow through the best I
13 can.

14 Q Absolutely. Let's just back
15 up. Let's start with; what is the highest
16 level of education that you received?

17 A Me? I received a high school
18 level. Completed high school level.

19 Q When did you graduate high
20 school?

21 A 2000, and I did two years of
22 school, but did not finish.

23 Q Was that immediately after high
24 school?

25 A Yes, that's correct.

1 KING

2 Q Where is that?

3 A That was at Hofstra University.

4 Q What were you studying there?

5 A International business

6 management.

7 Q So you finished or left Hofstra
8 around 2022; is that accurate?

9 A 2002, 2003. I can't remember
10 the exact dates, but around that time.
11 Again, did not graduate.

12 Q After you finished, you know,
13 attending Hofstra, did you seek employment
14 somewhere?

15 A Well, I've been work -- during
16 my studies at Hofstra, I was part time
17 working at the current company I'm with
18 now, Dimerco Express here in New York as a
19 part-time employee while I was going to
20 school at Hofstra.

21 And due to some family
22 situation, I was forced to leave school and
23 work full time at Dimerco.

24 Q Have you been working at
25 Dimerco ever since?

1 KING

2 A I have left -- I worked at
3 Dimerco from 2000 to 2006 and then I went
4 to another company, another logistics
5 company, and then returned to Dimerco in
6 2012 to my current, to the present right
7 now.

8 Q Between 2006 and 2012, where
9 were you working?

10 A I was working at another
11 logistics company called Air Tiger Express.

12 Q Is that AR, like AR?

13 A No. It's Air, as in A-I-R,
14 Tiger, T-I-G-E-R, Express.

15 Q When you started at Dimerco,
16 what was your job title?

17 A Wow. When I first started as a
18 part-time worker back in 2000, I was -- I
19 don't even know if really had a title, but
20 I guess if you were to put a title on me at
21 that time, I guess it would be clerk, I
22 guess, a clerk.

23 Q And --

24 A I'm sorry. Operations clerk.
25 I think that would be the closest

1 KING

2 equivalent that we have right now, a
3 position that we have now.

4 Q It sounds like it's not your
5 title now. Can you walk me through how
6 your job title has changed over the years?

7 A Absolutely. So from 2000 to
8 2006, while I was at the Dimerco New York
9 office, I was mostly doing, you know, you
10 know, like operational, like operations --
11 operations. I was -- I guess you would put
12 me at like an operation clerk.

13 In 2003 I was promoted to a
14 super operations import supervisor. 2006 I
15 left Dimerco to go to Air Tiger to take on
16 the position of a sales executive. So from
17 2006 to 2012, I was a sales executive at
18 Air Tiger.

19 In 2012, I was rehired by
20 Dimerco and -- was hired by Dimerco,
21 Dimerco's China office. Sorry. I was
22 working in Dimerco China from 2012 to 2019.
23 During that period, during that period from
24 2012 to 2019, I was working at Dimerco
25 China and I was -- I had, you know,

1 KING

2 regional sales manager position all the way
3 up to regional sales director, and then
4 2019 I was transferred from Dimerco China
5 to Dimerco New York to take on role of P&L
6 head of Dimerco New York with the position
7 of branch manager.

8 Q Is that your current title?

9 A That is my current title, but
10 I'm the branch manager of Dimerco New York
11 office with the addition of the New Jersey
12 office, because I opened a New Jersey
13 office in 2020. In 2020, I was, you know,
14 my title changed to branch manager of
15 Dimerco New York and New Jersey branches.

16 Q Can you explain what kind of
17 business is Dimerco in?

18 A Dimerco Express, we are a
19 international logistics provider. In other
20 words, you know, if you are familiar with
21 an industry called freight forwarding,
22 that's what we do. But, you know, so we
23 specialize in international air freight,
24 international ocean freight, customs
25 brokerage, warehousing, distribution as

1 KING

2 well as trucking.

3 Q Trucking, you said?

4 A Trucking, yes.

5 So international air freight,
6 international ocean freight, you know,
7 customs brokerage, customs brokerage,
8 warehousing and distribution, and trucking.
9 Those are the main products that we focus
10 on it.

11 Q Got it.

12 Are you familiar with a company
13 by the name of Rock Fintek?

14 A Yes, I am.

15 Q How did you become familiar
16 with them?

17 A They were a client of mine from
18 --

19 Q I'm sorry. Go ahead.

20 A They were a client of mine from
21 2020, starting from 2020.

22 Q And what business, to your
23 knowledge, was Rock Fintek in in 2020?

24 MR. RAKHUNOV: Objection.

25 My name is Phil Rakhunov. I

1 KING

2 represent Rock Fintek. I don't
3 think we've ever met.

4 THE WITNESS: Hi, Phillip. How
5 are you?

6 MR. RAKHUNOV: Good. Thank
7 you.

8 So from time to time, I may
9 lodge an objection if I perceive
10 some issue with the question that
11 counsel asks.

12 THE WITNESS: Sure.

13 MR. RAKHUNOV: You can kind of
14 ignore that. It's for the record
15 for the lawyers to sort things out
16 later. You can go ahead and still
17 answer the question as you would if
18 I didn't object. If there was -- I
19 don't see any reason why I would
20 instruct you not to answer a
21 question, but if you had a lawyer
22 they might give you that
23 instruction. So if you hear one of
24 us say, "Objection," you can just
25 proceed.

1 KING

2 THE WITNESS: Okay.

3 MR. RAKHUNOV: Don't worry
4 about that.

5 THE WITNESS: I understand.
6 Thank you for letting me know,
7 Phillip.

8 Q To your knowledge, what
9 business was Rock Fintek in in 2020 when
10 you first started doing business with them?

11 A A trading company.

12 Q What were they trading?

13 A I do not know. I only know the
14 products that they were trading that I was
15 personally handling. Not personally. My
16 company was handling.

17 Q What products were those?

18 A PPEs, personal protective.
19 They can involve, you know, medical gloves,
20 medical-grade gloves, medical-grade gowns,
21 medical-grade caps, boots. That -- that's
22 about it.

23 Q Were those products that Rock
24 Fintek was trading at that time?

25 A I can't answer that. I can

1 KING

2 only answer to the products that I was
3 handling on their behalf. You know, I do
4 not know what other products they may or
5 not be handling that another freight
6 forwarder, for example, would be handling
7 for them. I would not know.

8 But the products that Dimerco
9 handled, that was hired by Rock Fintek to
10 handle, was the products that I listed
11 prior.

12 Q Who were you dealing with at
13 Rock Fintek?

14 A I was -- my main contact there
15 was Mr. Bradley Gilling, rad Gilling, and
16 on occasion I would deal with Mr. Kato on
17 occasion and his first name is Tommy. I'm
18 not sure if he goes by Thomas legally, but
19 I will refer to him as Tommy.

20 Q When was the last time you
21 spoke with Mr. Gilling?

22 A I would say two months ago give
23 or take.

24 Q What were you taking about at
25 that time?

1 KING

2 A I was talking to him about
3 whether there was any resolution to any of
4 the legal case that was going on because
5 Dimerco still has an ongoing case with Rock
6 Fintek as well.

7 Q When you say Dimerco has a case
8 with Rock Fintek, is that an active
9 lawsuit?

10 A I think we stopped pursuing it.
11 We were still hoping that -- the last time
12 I had a conversation with Brad, he said if
13 he wins the lawsuit he was currently in, we
14 would still get paid.

15 Q Am I to understand that Dimerco
16 believed Rock Fintek owes it unpaid bills?

17 A Yes. That is pretty much
18 directly related to your case right now.

19 Q How much money does Rock Fintek
20 owe Dimerco?

21 A I -- I'm sorry. I don't have
22 that number in front of me now, but I can
23 probably only give you a range.

24 Q That's fine.

25 A Again, it's not the exact

1 KING

2 amount, but it's between 40- to 50,000.

3 Q And what is the reason that Mr.
4 Gilling told you that Rock Fintek could not
5 pay Dimerco?

6 A Because they did not get paid
7 by their customer because Adorama and
8 Kitchen Winners sold the products that were
9 not acceptable on a medical-grade level.
10 So, you know, the Rock Fintek's customer
11 would not accept those goods. Hence they
12 were not going to pay Rock Fintek, hence
13 Rock Fintek had no money to pay us.

14 Q When you say Rock Fintek's
15 customer, is that Ascension?

16 A It could be Ascension, it could
17 be other -- I know they had multiple other
18 customers, but yes, I believe they were one
19 of them.

20 Q Who were the other customers
21 that Rock Fintek had that you're aware of?

22 A I mean that I am aware of -- I
23 mean -- so no, I can't tell you I know all
24 of their customers names, because a lot of
25 the times I do not deal with their

1 KING

2 customers. There's no opportunity for me
3 to deal with their customers directly. A
4 lot of times that's handling the
5 transportation delivering it from one
6 warehouse to another warehouse based on the
7 instructions that Rock Fintek would give to
8 me.

9 Q Which customers of Rock Fintek
10 do you know the names of?

11 A I mean I know for a fact I --

12 THE REPORTER: You're getting
13 cut off. I think it's because of
14 the movement.

15 (Whereupon, an off-the-record
16 discussion was held.)

17 (Whereupon, a short recess was
18 taken.)

19 Q Mr. King, are you ready?

20 A Yes.

21 Q Let's just get back into it. I
22 don't know exactly where I left off. I
23 think I was asking you if you know the
24 names of any Rock Fintek customers they
25 were dealing with at the time you were

1 KING

2 working along with them.

3 A Sure. Again, I can't say that
4 I know all of their customers that we
5 handled because sometimes we were just
6 instructed to deliver to a specific
7 warehouse or a third-party logistics
8 warehouse where I wouldn't know, you know,
9 who the customer was, but I know for a fact
10 that we have handled shipments for Rock
11 Fintek for their customers such as the City
12 of New York, Medline, Peterson Dental.

13 Q When you say Medline, do you
14 know whether Medline was their customer or
15 was Medline holding their product on behalf
16 of a different customer?

17 A To my knowledge, they were
18 working directly with Medline.

19 Q Okay. Are you familiar with a
20 company by the name of Ascension?

21 A Yes. I -- it's familiar. It's
22 familiar. I might have heard them talking
23 about it, like this order, you know, might
24 be for Ascension, but I wouldn't know
25 directly which shipments we handled for

1 KING

2 them, because I believe Ascension might be
3 one of those companies that we were doing
4 deliveries to a third-party warehouse, not
5 directly Ascension's warehouse.

6 Q You said earlier that Mr. Kato
7 informed you that Rock Fintek was unable to
8 pay Dimerco's bills because it hadn't been
9 paid by one of its customers. You don't
10 know which customer that was?

11 A No. I cannot specify which
12 customer it was, but I know it was mostly
13 they were not paid by their customer. It
14 could be multiple customers. I cannot
15 answer that question factually. I just
16 know it was -- it could be one of their
17 customers. Could be multiple customers. I
18 do not know.

19 Q Are you aware that Rock Fintek
20 earned gross profits in excess of \$36
21 million from its business with some of its
22 customers?

23 MR. RAKHUNOV: Objection.

24 A I mean I didn't know that, but
25 I wouldn't be surprised. I'm not surprised

1 KING

2 by that number. During the pandemic, I'm
3 sure that everybody here was aware of the
4 demand for protective gear during the peak
5 of the pandemic. I think everybody bought
6 masks before during the pandemic and knew
7 the cost of the masks during that time, so
8 yes. The profit margin I'm sure was very
9 large, but the demand also justified that
10 for that time, for that certain situation,
11 yes.

12 Q I guess my question is, how do
13 you square that with Rock Fintek also
14 telling you that they don't have any money
15 to pay Dimerco's bills?

16 MR. RAKHUNOV: Objection.

17 A That really -- I don't know. I
18 don't know why that's relevant, only
19 because the profits that even my company
20 makes, I don't even know where it goes. So
21 I'm sure -- I don't know what their
22 overhead is, I don't know what their
23 operating budget is. I don't know any of
24 that. I don't know the commission
25 structure to their sales people. I mean I

1 KING

2 wouldn't -- you know, I don't -- I don't
3 know, but that's what I was told, but yeah,
4 that's fine.

5 Q How were you paid in
6 relationship to Dimerco's dealings with
7 Rock Fintek? Were you paid just by Dimerco
8 or did you receive a percent of Rock
9 Fintek's profits?

10 A No. I would not receive --
11 absolutely not. I would only get paid for
12 providing the Dimerco services that we
13 provided to Rock Fintek directly and we
14 have records of all the quotations that we
15 quoted Rock Fintek and no, they paid us --
16 they paid Dimerco directly.

17 And to tell you the truth, in
18 the beginning of our cooperation between
19 Rock Fintek and Dimerco, Rock Fintek
20 actually prepaid us for certain situations
21 where, you know, they would prepay us I
22 think as much as an excess of a million
23 dollars before we were even offering the
24 service. So we never really had a payment
25 problem with Rock Fintek until the end, the

1 KING

2 tail end of our cooperations once they
3 were, you know, sold, you know, gloves that
4 were not up to specs.

5 Q Are you familiar with a company
6 called M Hub?

7 A I do know that -- I am familiar
8 with that company. I am not an expert at
9 that company, but I knew that during my
10 initial research of Rock Fintek before we
11 started cooperating on a business level
12 that we did do some research on Rock Fintek
13 and I know that M Hub or Merchant Hub is
14 one of Mr. Kato's other businesses or
15 business entities.

16 Q Do you know if Dimerco has done
17 any work on behalf of Mr. Kato's other
18 businesses?

19 A No.

20 Q The only one you did business
21 for was Rock Fintek?

22 A That's correct.

23 Q I will ask a couple of other
24 names to see if they ring a bell with you.

25 Are you familiar with a Hershey

1 KING

2 Weiner?

3 A Hershey Weiner, no. I'm not
4 familiar. No. I can't say I'm familiar
5 with him.

6 Q How about a Joseph Mendlowits?

7 A I believe I actually might have
8 spoke to him before in the past. I do
9 remember of a person of one of Rock
10 Fintek's suppliers being named Joseph and
11 being on a conference call with Rock Fintek
12 and Joseph.

13 Q Do you recall what Mr.
14 Mendlowits would have said during those
15 conference calls or did say during those
16 conference calls?

17 A No. It was -- the conversation
18 would be related to when a cargo would be
19 ready for me to pick up on behalf of Rock
20 Fintek.

21 Q Who was on the conference call
22 besides yourself?

23 A Mr. Brad Gilling.

24 Q Anyone else.

25 A Not that I can recall.

1 KING

2 Q It was just the three of you?

3 A I mean it could be more people.
4 I don't remember. Those were the two main
5 people. You know, maybe there was other
6 people listening in, taking notes or
7 whatever. I don't know. It was a phone
8 call.

9 Q I'm sorry. Can you say it
10 again? I missed that?

11 A Yes. It was a phone call, so I
12 can't confirm who was in the conversation,
13 but I remember it being Joseph and Brad
14 being most vocal during that conversation.

15 Q Was this one phone call or
16 multiple phone calls?

17 A This was definitely not one
18 phone call. It was definitely multiple
19 phone calls, and I can't tell you exactly
20 how many phone calls, but maybe three or
21 four I'm guessing.

22 Q Do you have any records from
23 those phone calls?

24 A No. No. Alexander, the
25 premise of those phone calls were munch

1 KING
2 arranging pickups from Josef's company, you
3 know, because in the past we always had
4 struggled with them picking up from
5 Joseph's company because when we would send
6 the trucks, the cargo would not be ready
7 and that's the reason -- or not even ready,
8 but not even available. The goods would
9 not be available.

10 So that's why we would get on
11 calls to coordinate what is going on.
12 There were a couple of times I had to send
13 trucks to the sites and not being able to
14 pick up any freight.

15 Q Are you familiar with someone
16 by the name of Joseph Weiner?

17 A You know what; I'm sorry. I
18 just know it was a Joseph. I can't tell
19 you exactly his last name. I can't
20 recollect his last name. So I just
21 remember it being a Joseph. I'm just
22 assuming it was the same Joseph you were
23 referring to. I will be completely honest.
24 I don't remember the guy's last name, but I
25 do remember the name being Yosef.

1 KING

2 Q Are you familiar with someone
3 by the name of Mendel Bannon?

4 A Mendel sounds very familiar. I
5 know Mendel is a key contact of one of Rock
6 Fintek's suppliers. I do not know which
7 one and I just heard that name being
8 mentioned on one of my cases with Brad, but
9 I don't have any recollection of ever
10 speaking to him directly.

11 Q How about a Joel Stern?

12 A Yes. Joel Stern is another one
13 of one of Rock Fintek's suppliers. I can't
14 tell you which ones. I might even -- no,
15 no. I know he is one of -- a supplier of
16 Rock Fintek. That's the most I can tell
17 you about him.

18 Q Did you ever speak with Mendel
19 --

20 A I might have. I don't
21 recollect. I don't recollect, sir. I'm
22 sorry.

23 Q Again, I'm just trying figure
24 out what you do recall. When I ask the
25 question, just answer to the best of your

1 KING

2 recollection. That's all I can ask for.

3 A Okay. You know what? I take
4 that back. I'm so sorry. Regarding Joel,
5 I did have communication with him via text.

6 Q Okay. Now, what kind of
7 services was Dimerco providing to Rock
8 Fintek?

9 A We were providing a range of
10 services ranging from air freight,
11 international air freight from Asia to the
12 United States, international Ocean freight
13 from Asia to the United States. I also
14 handled international air and ocean from
15 Europe to the United States. I also helped
16 them handle customs clearance, customs
17 brokerage, of their goods in entering into
18 the United States as well as trucking
19 services for Rock Fintek.

20 Q Let me just start with some of
21 the air freight you mentioned. Do you
22 recall what kind of products were being
23 brought in by Rock Fintek via air freight?

24 A Yes. The products that I
25 mentioned earlier related to protective

1 KING

2 personal protective equipment that, you
3 know, consists of, you know, gloves, masks,
4 gloves, masks, you know, medical gowns, and
5 medical caps, yeah.

6 Q Are you familiar with a brand
7 of gloves called Medcare?

8 A Medcare or you mean Medline?
9 Medcare I'm not familiar with.

10 Q Do you know what brand of
11 gloves Rock Fintek was selling or dealing
12 in?

13 A I don't recall. There was --
14 you know, there was -- there's just too
15 many. There was a wide range and no -- I
16 do not recall, no.

17 Q How many companies was Rock
18 Fintek buying medical gloves from, to your
19 recollection?

20 MR. RAKHUNOV: Objection.

21 A I don't recall, but it's
22 definitely more than one, but I really
23 don't get into the sourcing part of it.
24 Again, I just want to be repeat that
25 Dimerco Express was solely hired to provide

1 KING

2 transportation services and logistics for
3 Rock Fintek.

4 We do not get involved with
5 their sourcing, we do not getting involved
6 with their selling, their sales. We are
7 just pure transportation providers and
8 logistic providers for Rock Fintek.

9 Q Again, only if you know. Do
10 you know if they had more or less than five
11 suppliers of medical gloves?

12 A I would not be able to know for
13 a fact. I would not be able to answer that
14 and be confident that it would be factual,
15 so I prefer not to answer that because I
16 really do not no.

17 Q I think you mentioned this. I
18 apologize for repeating it. Was one of the
19 services Dimerco was providing to Rock
20 Fintek trucking?

21 A Yes, that's correct.

22 Q Did that involve transporting
23 boxes of goods from Rock Fintek suppliers
24 to its customer or customers?

25 A Yes. That's correct. That's

1 KING

2 correct. We've done that service before
3 quite frequently, if I had to say.

4 Q Does Dimerco do trucking itself
5 or does it hire --

6 A We outsource independent
7 truckers. We also work with key partners,
8 vendors of hours, but no, in Dimerco in the
9 USA, Dimerco does not own our own trucks.

10 Q Do you know which trucking
11 companies Dimerco was utilizing for the
12 work with Rock Fintek?

13 A Well, yes. I can name the key
14 --one of the -- we use multiple vendors3
15 because the volume was so large and the,
16 you know, it was -- we had to deliver like,
17 you know, not only New York, but in
18 California, in Detroit, all parts of the
19 U.S., so we could not rely on only one
20 vendor. So -- but for New York
21 transportation, yes, we were I would say 80
22 percent of our New York deliveries and
23 pickups was done by one trucking company,
24 which was a company called Dell Express, s
25 D-E-L-L E-X-P-R-E-S-S.

1 KING

2 Q Was Dimerco involved in helping
3 Rock Fintek keep track of the goods that it
4 was transporting across the country?

5 A Yes. We tried to do the best
6 of our ability. However, you know, we have
7 specific -- every transaction that we have
8 with Rock Fintek is documented. It's
9 invoiced. We have records of it, but in
10 terms of the specific piece count, we also
11 have records of this. However, whether or
12 not we can verify it, we cannot verify it.
13 As you can imagine, we were sending trucks
14 looking to pick up like, you know, a
15 million, three million gloves. There was
16 no way that we could literally count every
17 single glove or every single carton that is
18 loaded onto the truck by the supplier.

19 I hope that answers the
20 question, Alex.

21 Q I think so.

22 Let me ask a couple of more
23 questions around that to see if we can get
24 some clarity.

25 A Sure.

1 KING

2 Q Are you familiar with the word
3 or phrase POD, P-O-D?

4 A Yes.

5 Q Does POD stand for proof of
6 delivery?

7 A It my industry, yes, it does.

8 Q When Dimerco's trucking company
9 or -- let me rephrase that.

10 When the company that Dimerco
11 hired to transport Rock Fintek's goods, to
12 pick them up, was there anything that would
13 have prevented the trucker from examining
14 the good before picking them up?

15 A No. I'm sorry. Can you
16 rephrase that question? You're saying is
17 there any circumstance where it would
18 prevent a trucker from examining the goods?

19 Q Let me rephrase it.

20 A I'm sorry.

21 Q Let me see if I can make it
22 clear. Dimerco would send a trucker or a
23 truck to pick up goods on behalf of Rock
24 Fintek to a warehouse somewhere, all right?

25 A Yes. That's correct.

1 KING

2 Q So when the trucker or truck
3 arrived, I assume there was a driver in the
4 truck. Was it just one driver in the truck
5 or was there anyone else with them?

6 A It would depend. If it's a
7 local delivery and a local pickup, it would
8 be one driver. If it was a little bit what
9 we consider long haul, like, you know,
10 cross certain states or cross country, we
11 would sometimes use two truckers, because
12 one driver can only legally drive on the
13 road for a certain amount of hours.

14 Q So they would take turns?

15 A Yes.

16 Q Okay?

17 A So depending on the distance.
18 Depending on the distance. It would be
19 either one or two drivers. Max two
20 drivers.

21 Q Can you explain to me, if you
22 know, what is the process like when the
23 trucker arrives at the warehouse to pick up
24 goods?

25 MR. RAKHUNOV: Objection. Can

1 KING

2 you focus on a time frame?

3 MR. SPERBER: Yes. This is in
4 2020 or 2021.

5 A Are you talking about
6 specifically from Rock Fintek or are you
7 speaking like industry standards, because I
8 can tell you for a fact that -- go ahead
9 please. I'm sorry.

10 Q Let's start with the industry
11 standard as a whole and then we'll narrow
12 it to Rock Fintek.

13 In 2020 or '21, when a trucker
14 would go pick up goods, what was the
15 process like?

16 A It would depend. I mean we
17 have some larger, like what we consider
18 multinational customers dealing with, you
19 know, semiconductor, where it would be very
20 smooth, where we will send in a truck, go
21 in onto a specific dock that we were
22 assigned to, that the trucker was assigned
23 to, and we would be in and out. During the
24 whole pickup process, it would take between
25 maybe 30 to an hour to load a truckload of

1 KING

2 freight.

3 During the pandemic time, if
4 you are talking about some of our larger
5 multinational customers, specifically I can
6 -- I specifically remember that picking up
7 from Rock Fintek's suppliers, especially in
8 2021, it was very difficult because a lot
9 of the times we would go to specific pickup
10 sites and the freight would not be there.

11 Q I'll get to Rock Fintek in just
12 a second. I just want to -- again, I want
13 to understand sort of how the whole process
14 works and then we'll go more specifically.

15 When a trucker would arrive,
16 would they have documentation with them
17 explaining what they were there to pick up?

18 A Yes. That documentation that
19 you're referring to in our industry is
20 called, something called a DO, which stands
21 for delivery order.

22 And that delivery order would
23 consist of the trucker's name that would be
24 picking up the goods. It would also
25 consist of the address of the pickup, the

1 KING

2 amount of -- the quantity of freight that
3 was being picked up, the weight of the
4 freight that was being picked up, as well
5 as where it's going to be delivered to.

6 And that delivery order would also act as
7 our POD, proof of delivery, as well.

8 Q So would the trucker have to
9 have that documentation, the DO, signed by
10 the warehouse releasing the goods?

11 A No. I mean, you know,
12 sometimes -- it's not a requirement.
13 Sometimes the supplier would do that
14 voluntarily, which is always helpful.
15 However, it is not a requirement. However,
16 it is a requirement for industry standards
17 for us to have the receiving party sign off
18 on how much -- sign off once upon receiving
19 the goods which will ultimately act as the
20 proof of delivery for us.

21 Q So would the seller be giving
22 any documentation to the trucker along with
23 the goods?

24 A Well, yes. We would come with
25 multiple copies of this. We would provide

1 KING

2 a copy to the supplier as well.

3 Q So more specifically now,
4 regarding Rock Fintek and what it was doing
5 in 2020 and 2021, how did that process work
6 where truckers would go to pick up goods on
7 behalf of Rock Fintek?

8 A Are you talking about the --
9 can you repeat that?

10 Q In 2020 and 2021, when Dimerco
11 would send a truck on behalf of Rock Fintek
12 to pick up goods from a seller, how would
13 that process work?

14 THE REPORTER: I'm getting a
15 message that your bandwidth is low.

16 (Whereupon, an off-the-record
17 discussion was held.)

18 A For Rock Fintek specific
19 pickups, again, you know, we will pick up
20 for various locations. So every pickup is
21 different and even picking up out of the
22 same location, every pickup experience is
23 different and it's unique within itself.

24 So for Rock Fintek specific
25 cases, it's always a red flag for us and my

1

KING

2

team because I would say a majority of Rock

3

Fintek's pickups, there was always some

4

sort of issues. Whether it's goods not

5

being there or goods not being complete or,

6

you know, or me or my truckers spending a

7

long time at the specific location just to

8

pickup the freight.

9

Like I said, usually under

10

normal circumstances, you know, I don't

11

expect my trucker to spend more than an

12

hour to pick up freight. It's very common

13

for Dimerco's truckers to spend well over

14

an hour picking up for some of the

15

suppliers for Rock Fintek.

16

Q Let me -- you mentioned

17

sometimes the shipment was not complete

18

when a trucker would pick up for Rock

19

Fintek. How would the trucker know it was

20

not complete?

21

A The supplier will let him know

22

that hey, you know, right now we only have

23

-- you're here to pick up let's just say

24

300 cartons, for example. Right now only

25

100 cartons is ready now. That's just an

1 KING

2 example, but that's how it usually would
3 go.

4 Q Were the truckers able to look
5 over the goods before they left the
6 warehouse?

7 A Are you talking about the
8 actual product itself?

9 Q Yes.

10 A Absolutely not. It's not our
11 practice and industry practice to get
12 involved with any inspection of the
13 physical goods. Again, we don't open
14 boxes, we he don't open outer cartons. We
15 don't do any of them.

16 Q It's not a service you provide?

17 A Absolutely not. Again, we are
18 just -- we are not a quality -- we're not
19 like a, you know, quality control. We
20 don't do quality control. We only isolate
21 our services to transportation only.

22 Q Is there anything --

23 A Again, these are truck drivers.
24 They are not qualified -- they would not be
25 qualified to inspect goods.

1 KING

2 Q Sure. I understand you're
3 saying it's not something they would do for
4 you and that's not something you would
5 provide to Rock Fintek, but were there any
6 rules, you know, from the government, for
7 example, that would have prevented you if
8 they, if Rock Fintek wanted to hire you to
9 do that? Were they allowed to?

10 A No. There wouldn't be any
11 government regulation about us doing that.
12 It was just our -- I mean we wouldn't be
13 qualified. I mean even if you were to send
14 me to drive a truck to pick up goods, I
15 would not be -- I'm not a specialist. I
16 don't specialize on the specific products
17 that we're picking up. So we wouldn't be
18 able to --

19 THE REPORTER: Did we lose him?
20 (Whereupon, an off-the-record
21 discussion was held.)

22 MR. SPERBER: Counsel for Mr.
23 Stern and JNS as well as counsel
24 for Rock Fintek and Mr. King, we've
25 all agreed to adjourn today's

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KING

deposition until Monday, September
18th, at 1 p.m.

THE WITNESS: That's correct.

(Whereupon, at 3:21 p.m., the
examination of this witness was
adjourned.)

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D E C L A R A T I O N

I hereby certify that having been
first duly sworn to testify to the truth, I
gave the above testimony.

I FURTHER CERTIFY that the foregoing
transcript is a true and correct transcript
of the testimony given by me at the time
and place specified hereinbefore.

ALEXANDER KING

Subscribed and sworn to before me
this ____ day of _____, 2023.

NOTARY PUBLIC

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I N D E X

EXAMINATION BY	PAGE
MR. SPERBER	5

C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

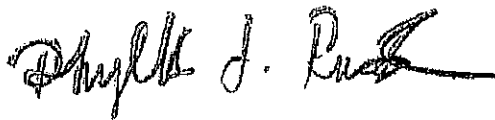
COUNTY OF KINGS)

I, PHYLLIS F. RUSSEK, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 19th day of October, 2023.



PHYLLIS F. RUSSEK

1 Errata Sheet

2

3 NAME OF CASE: KITCHEN WINNERS NY INC. -against- ROCK FINTEK LLC

4 DATE OF DEPOSITION: 09/12/2023

5 NAME OF WITNESS: ALEXANDER KING

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

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16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

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22 Page _____ Line _____ Reason _____

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24

25

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2

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17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24

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ORIGINAL

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 KITCHEN WINNERS NY INC.,

6 PLAINTIFF,

7 -against-

8 CIVIL Action No.:
9 22-cv-05276-PAE

10 ROCK FINTEK LLC,

11 DEFENDANT.

12 -----X
13 ROCK FINTEK LLC,

14 COUNTERCLAIM and THIRD-PARTY PLAINTIFF,

15 -against-

16 KITCHEN WINNERS NY INC.,

17 COUNTERCLAIM DEFENDANT,

18 and

19 ADORAMA INC., HERSHEY WEINER, JOSEPH
20 MENDLOWITZ, JNS CAPITAL HOLDINGS LLC and
21 JOEL STERN,

22 THIRD-PARTY DEFENDANTS.

23 -----X

24 DATE: September 18, 2023

25 TIME: 1:09 p.m.

VOLUME II

CONTINUED EXAMINATION OF NON-PARTY

WITNESS, ALEXANDER KING

24 RAPID REPORTING LLC
25 254 South Main Street, Suite 216
New City, New York 10956
(718) 310-0704

DATE: September 18, 2023

TIME: 1:09 p.m.

CONTINUED VIDEOCONFERENCE DEPOSITION

of ALEXANDER KING, a Non-Party Witness,
pursuant to a Subpoena, held remotely via
Zoom, before Phyllis F. Russek, a Shorthand
Reporter and Notary Public of the State of
New York.

A P P E A R A N C E S:

LIPSIUS-BENHAIM LAW, LLP
Attorneys for the Plaintiff /
Counterclaim Defendant
KITCHEN WINNERS NY INC.
80-02 Kew Gardens Road, Suite 1030
Kew Gardens, New York 11415
BY: ALEXANDER SPERBER, ESQ.

POLLACK SOLOMON DUFFY, LLP
Attorneys for the Defendant /
Counterclaim and Third-Party Plaintiff
ROCK FINTEK LLC
31 St. James Avenue, Suite 940
Boston, Massachusetts 02116
BY: PHILLIP RAKHUNOV, ESQ.

LAW OFFICE OF AVRAM E. FRISCH, ESQ.
Attorneys for the Third-Party Defendants
JNS CAPITAL HOLDINGS LLC and JOEL STERN
1 University Plaza, Suite 119
Hackensack, New Jersey 076011
BY: AVRAM E. FRISCH, ESQ.

ALSO PRESENT: YISROEL STEINBERG, ESQ.

LAUREN RIDDLE, ESQ.

1
2 FEDERAL STIPULATIONS
3
4

5 IT IS HEREBY STIPULATED AND AGREED by
6 and between the counsel for the respective
7 parties herein that the sealing, filing,
8 and certification of the within deposition
9 be waived; that the original of the
10 deposition may be signed and sworn to by
11 the witness before anyone authorized to
12 administer an oath, with the same effect as
13 if signed before a Judge of the Court; that
14 an unsigned copy of the deposition may be
15 used with the same force and effect as if
16 signed by the witness, 30 days after
17 service of the original and 1 copy of same
18 upon counsel for the witness.
19

20 IT IS FURTHER STIPULATED AND AGREED
21 that all objections, except as to form, are
22 reserved to the time of trial.
23

24 * * * *
25

1 KING

2 A L E X A N D E R K I N G, called as a
3 witness, having been first duly sworn, by a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. SPERBER:

8 Q Please state your name for the
9 record.

10 A Alexander King.

11 Q What is your current address?

12 A 133-33 Brookville Boulevard,
13 Apartment 208, Rosedale, New York 1142.

14 Q Good afternoon, Mr. King. How
15 are you doing?

16 A Good. How are you?

17 Q Thank you for joining us again
18 for this. Are you at a computer this time?

19 A Yes. I'm in my office this
20 time.

21 Q Perfect. So if I share my
22 screen with you, will you be able to see
23 what I'm showing you?

24 A Yes.

25 Q Perfect.

1 KING

2 MR. SPERBER: I'm going to mark
3 the following document and call it
4 King Exhibit A.

5 (Whereupon, a WhatsApp log was
6 marked as King Exhibit A for
7 identification, as of this date, by
8 the reporter.)

9 Q Mr. King, can you see a
10 document in front of you?

11 A Yes.

12 Q You can. Okay. Good. This is
13 a rather long document. I'm going to
14 represent to you this was a document
15 produced in discovery by Rock Fintek.

16 Are you familiar with someone
17 by the name of Brad Gilling?

18 A Yes, I am.

19 Q Was Mr. Gilling someone who
20 worked at Rock Fintek or on behalf of Rock
21 Fintek?

22 A Yes, that's correct.

23 Q Did you ever communicate with
24 Mr. Gilling via WhatsApp?

25 A Yes.

1 KING

2 Q I think, and you can tell me if
3 I'm correct, my understanding is the
4 document you see in front of you is a
5 printout of that conversation between you
6 and Mr. Gilling. Does this look at all
7 familiar?

8 A I'm sure this is communication,
9 a transcript of communication on Whatsapp
10 between myself and Brad. I have no doubt
11 about that. The content itself I would
12 need to review it, you know, but I have no
13 reason to believe that it's not accurate.

14 Q I'm not going to go over the
15 entire document with you. For the record,
16 I'm going to skip ahead. The document has
17 164 pages in it. I'm going to skip ahead
18 to page 80.

19 We're on page 80 of King
20 Exhibit A. Can you read this or is it too
21 small?

22 A I can read that perfectly.

23 Q Perfect. Just read through the
24 page and let me know when you're on the
25 bottom and I'll move down for you.

1 KING

2 A Sure.

3 Q Were you able to read the
4 entire thing?

5 A Yes.

6 Q Now we're on page 81. Just
7 continuing on the same conversation.

8 A Okay.

9 Q Does this conversation -- do
10 you recall this conversation?

11 A I mean -- honestly, no I do
12 not. I mean it's from a couple of years
13 ago. I do communicate with Brad quite
14 often. So this specific conversation, I'm
15 sure it was made. However, you know, you
16 know, it's a couple of years ago. You
17 know, I can't --

18 Q Sure.

19 A I mean this type of
20 communication is a very common type of
21 conversation I would have normally.

22 Q Do you see where it says they
23 signed for more than what was actually
24 delivered?

25 A Yes.

1 KING

2 Q I'm going to scroll down a
3 little bit towards the bottom here and
4 again; they signed more than what was on
5 that truck?

6 A Okay.

7 Q Do you have any idea what you
8 were referring to?

9 A Well, there has been times in
10 the past -- I'm sure this is an example --
11 where the delivery count made by the
12 receiving party did not match the pickup
13 count that was supposed to be picked up.

14 So when I look at something
15 like this, two out of -- you know, there
16 are two scenarios in this situation.
17 Either the destination receiving party
18 miscounted or the amount that was loaded
19 was incorrect.

20 Q By the shipper?

21 A By the shipper was loaded
22 incorrectly or the receiving party was
23 miscounted, yes.

24 Q Am I correct that you yourself,
25 were not at either the shipping warehouse

1 KING

2 or the delivering warehouse, correct?

3 A No, it could be -- yes, that is
4 correct. I was not physically there, no.

5 Q How would you learn about the
6 discrepancy?

7 A I would only learn about the
8 discrepancy when I received the proof of
9 delivery and, you know, I would note the
10 numbers do not match and I would let my
11 client know as well.

12 Q Who would give you the proof of
13 delivery?

14 A The trucking company, sir.

15 Q Is that a document provided
16 ultimately by the warehouse that received
17 the goods?

18 A No. It will be provided to me
19 by the trucking company that I assigned or
20 hired to deliver the goods. It would not
21 come directly from the receiving party.

22 Q The trucking company creates
23 the proof of delivery?

24 A No. Dimerco would create the
25 delivery order, delivery order documents,

1 KING

2 and give it to the trucking company and
3 trucking company will use it as a source of
4 instructions per se on where to deliver the
5 goods to, how many carts are in the load
6 and ultimately used for the proof of
7 delivery upon delivery.

8 Q I'm confused. So I'm trying to
9 understand. How would the trucking company
10 know how many cartons it was delivering?

11 A They would not know. They
12 would not know how much was loaded. In our
13 industry, it's what we call shipper loaded.
14 Again, we are hired to -- again, my vendors
15 are hired by Rock Fintek to do the
16 transportation only. We are not
17 responsible for the, you know, what is
18 picked up exactly, what was delivered
19 exactly. We are only responsible for the
20 transportation exclusively.

21 Q So when you said that there was
22 a discrepancy between what was put on the
23 truck versus what was supposed to be put on
24 the truck, again, how would the trucking
25 company know to report that to you? How

1 KING

2 would they know about the discrepancy?

3 A They wouldn't know about the
4 discrepancy. They would only know the
5 discrepancy by what was signed, you know,
6 by what was signed by the receiving party.

7 So, for example, if that
8 delivery order said, for example, you know,
9 the delivery order said we're supposed to
10 deliver 1,132 cases and when the receiving
11 party says they signed for 1,134 cartons,
12 that's how we would know.

13 Q So the receiving party would
14 count it when it's delivered?

15 A Yes. The receiving party would
16 count it when delivered. My trucking
17 company would not be responsible for that
18 assignment.

19 Q The receiving party would tell
20 that to the trucker who would report back
21 to you about the discrepancy?

22 A That's correct.

23 MR. FRISCH: Alex, the audio
24 cut out on my end. Are people able
25 to hear?

1 KING

2 MR. RAKHUNOV: I don't think
3 anybody was talking.

4 MR. FRISCH: Okay. Sorry.

5 Q Just for the record, I'm
6 skipping to page 82 of King Exhibit A. If
7 you can read this page, I would appreciate
8 it and let me know when you finish reading.

9 A Okay. Yes.

10 Q Do you see someone here named
11 Miss Li?

12 A Yes.

13 Q Do you know who this is or was?

14 A That is one of Rock Fintek's
15 suppliers.

16 Q Do you know what Ms. Lee was
17 supplying to Rock Fintek?

18 A PPEs.

19 Q Do you know what kind?

20 A This specific transaction, I
21 believe it's face masks.

22 Q When you say "this specific
23 transaction," what do you mean?

24 A I'm reading the transcripts
25 right now. Let me just move it to my other

1 KING

2 screen so you guys don't lose my -- I'm
3 seeing that right now. Hold on. Based on
4 the carton count, I am confident that we
5 are specifically talking about masks for
6 this specific transaction.

7 Q What kind of products in
8 general did Ms. Li sell to Rock Fintek, to
9 your knowledge?

10 A I do not recall. However,
11 masks is definitely a, you know, product
12 that they sold to Rock Fintek. Regarding
13 any other commodities, I do not recall.

14 Q Do you know if she sold them
15 gloves?

16 A I can't recall. I do not
17 remember.

18 Q I'm going to jump ahead in King
19 Exhibit A to page 97, page 97 out of 164.
20 Mr. King, can you just read this? I would
21 appreciate it. Just let me know when you
22 finish and I'll scroll down for you.

23 A Sure. Give me a second.

24 Yes.

25 Q Earlier on this same page, page

1 KING

2 97, do you see where Brad is saying need to
3 verify all 100,000 boxes, has to be seen
4 and verified, and then below it says those
5 need to be opened and inspected?

6 A Yes.

7 Q Could you explain to me what
8 was going on at that point in time?

9 A I don't recall, but based on
10 this communication, it looks like Brad
11 wanted me to verify that -- the branding on
12 the box.

13 Q Who would do that on your
14 behalf?

15 A The trucking company, but based
16 on my understanding I can't remember. It
17 is not a regular protocol to open any boxes
18 so if anything, it was only the outer
19 boxes.

20 Q It says over here, looking
21 towards the bottom of page 97, please open
22 some boxes. Is that asking that the
23 trucker to open some of the boxes to check
24 what was inside?

25 A Yes, and most likely I told him

1 KING

2 no.

3 Q There are a whole bunch of
4 photos here? Do you see --

5 A Yes.

6 Q I'm going to show you some of
7 those photos. Give me just a moment.

8 A I'm sorry. Am I looking at
9 anything in particular right now?

10 Q Not yet. Give me just a
11 moment.

12 MR. SPERBER: I'm going to mark
13 it as King Exhibit B.

14 (Whereupon, a photograph was
15 marked as King Exhibit B for
16 identification, as of this date, by
17 the reporter.)

18 Q Do you see a picture of an
19 image?

20 A Yes, sir.

21 Q Does this appear to you to be a
22 pallet of goods that may have been on one
23 of the trucks that Dimerco sent on behalf
24 of Rock Fintek?

25 A That Dimerco sent, yes. I mean

1 KING

2 I have no reason to believe it's not.

3 Q Again, can you take a look at
4 this? I'll mark this as King Exhibit C.

5 MR. RAKHUNOV: Do you have a
6 file name, just for the record?

7 (Whereupon, a photograph was
8 marked as King Exhibit C for
9 identification, as of this date, by
10 the reporter.)

11 MR. SPERBER: Sure. The first
12 one I showed which I marked as King
13 Exhibit B. This one is
14 00002156-photo-2021-04-14-17-31-33
15 and then King Exhibit C is file name
16 00002183-photo-2021-04-14-18-12-48.

17 I'm going to show one more.

18 MR. RAKHUNOV: The first
19 number, 0002183, for example, for
20 me at least that's sufficient, but
21 -- so you don't to take up the
22 time.

23 MR. SPERBER: Sure. I'm going
24 to show what I'm marking as King
25 Exhibit D.

1 KING

2 (Whereupon, a photograph was
3 marked as King Exhibit D for
4 identification, as of this date, by
5 the reporter.)

6 Q Can you see this in front of
7 you?

8 A Yes.

9 Q It appears to be an image of a
10 box of Yani Med medical gloves?

11 A Okay.

12 Q Again, this is one of the
13 photos that was being sent as part of that
14 conversation.

15 MR. SPERBER: Just for the
16 record, this one is file name
17 00002184.

18 Q Do these images reflect your
19 recollection as to whether the trucking
20 company actually opened up some boxes?

21 A Yes. So it's against our --
22 it's not a normal procedure that we do
23 this. However, you know, you know, we have
24 clear instructions from the customer to
25 give us authority to open up the cart to

1 KING

2 take pictures only.

3 Again, my trucking company or
4 the driver or myself, we are not familiar
5 with any specs of the goods or anything
6 like that. So we are only taking the
7 pictures to provide to our customers
8 without any other -- you know, we don't
9 have any other -- you know, knowledge of
10 specs or any of the, you know, details of
11 the goods.

12 Q Sure.

13 I'm going to jump ahead to page
14 98. Again, Mr. King, can you read through
15 it? Let me know when and I'll scroll down
16 further.

17 A Okay.

18 Q Do you see at the bottom of
19 this page where Brad writes the gloves on
20 our truck are fake nitrile?

21 A Yes.

22 Q Do you have any idea how he
23 knew that?

24 MR. RAKHUNOV: Objection.

25 A Again, I do not know. I would

1 KING

2 not be able to identify fake or real
3 nitrile gloves. I'm a logistics guy, but
4 I'm assuming it's from the pictures I sent
5 him.

6 Q Do you know what happened with
7 the gloves you and Mr. Gilling are
8 discussing?

9 A To tell you the truth, no, not
10 for this specific batch of gloves.
11 However, I do know that in a situation like
12 this if we have ever delivered fake or
13 gloves or products that are not up to
14 specs, usually the clients will not accept
15 them and we will have, you know, the client
16 would not accept them.

17 Q Would Dimerco then return the
18 gloves to the supplier?

19 A No. No. I mean the receiving
20 party might be the responsible -- to
21 discard of the goods, but unless we were
22 instructed to pick anything up, we would
23 not be involved with that.

24 Again, if we receive
25 instructions from Rock Fintek, from our

1 KING

2 client, to pick up goods, I might not know
3 the reason why we're picking up the goods.
4 It could be because of any reason, but we
5 are -- we just take on the instructions
6 from the client. So yes, you know, usually
7 the goods would not be accepted and I
8 wouldn't really be involved with the
9 aftermath of that.

10 Q I'm going to skip ahead in this
11 document, in King Exhibit A, to page 100.
12 Again, Mr. King, if you can read through
13 this, I would appreciate it let. Me know
14 and I'll scroll down further.

15 A Okay. Yes, I read it.

16 Q I'm scrolling down further.

17 A Yes.

18 Q Do you have any recollection of
19 this conversation with Mr. Gilling?

20 A Again, I do not recall this
21 conversation in detail. It's from a couple
22 of years ago and I have been doing a lot of
23 transactions since then. So, no, I do not
24 recall specifically. No, I do not.

25 Q Do you have any reason to doubt

1 KING

2 that this is an accurate printout of your
3 conversation with Mr. Gilling?

4 A I have no doubt to believe
5 otherwise.

6 Q Do you see where you were
7 inquiring of Mr. Gilling; who did you buy
8 the gloves from?

9 A Yes.

10 Q Do you have an understanding of
11 why you were asking him that question?

12 A Yes. Well, based on this
13 conversation, which is quite frequent, my
14 past experiences of not just dealing with
15 PPEs, but, in general, when we're picking
16 up out of a specific warehouse, that
17 warehouse will carry many companies' goods.
18 So when we send a truck to pick up specific
19 goods, if the warehouse specifically asks
20 hey, who are you guys picking up for
21 exactly, that's when I would go back to ask
22 Brad, hey, who are we picking up for
23 because the warehouse is not familiar with
24 who we're picking up.

25 So if we go back and say we're

1 KING

2 making up for supplier A, they'll be like
3 oh, supplier A, here. Okay. Kind of like
4 The type of communication that would happen
5 quite often. Not specifically with this
6 case, but it happens all the time with
7 other clients as well.

8 Q I think last time we discussed
9 a couple of companies that were selling
10 gloves to Rock Fintek. Was one of them an
11 individual or company by the name of Joel
12 Stern?

13 A Yes. Sure.

14 Q Are you familiar with a company
15 by the name Adorama?

16 A Sure. Yes.

17 Q A company by the name of
18 Kitchen Winners?

19 A Sure.

20 Q Were the gloves that Rock
21 Fintek was buying from Mr. Stern, Adorama,
22 Kitchen Winners, were they all in the same
23 warehouse?

24 A No. By my understanding, they
25 can be ranging from California, warehouses

1 KING
2 in California and New York, and it could be
3 -- in any location throughout the United
4 States. Yes, so no. It does not -- would
5 not be necessarily one location. Keep in
6 mind; these gloves are sourced, right, so,
7 you know, even if Joel buys them from
8 somewhere else, the gloves might be located
9 in another location.

10 Q Do you know if there was any
11 overlap in the warehouses that those
12 companies used; meaning was there a
13 warehouse that both Stern and kitchen
14 winners used, for example?

15 A I would not -- I do not
16 recollect. I don't know if I can answer
17 that question because I don't have a
18 recollection.

19 Q Now, do you know -- withdrawn.
20 Do you see where you wrote, can
21 you push Joel?

22 A Yes.

23 Q Do you have any idea what
24 you're referring to?

25 A My trucker was probably at that

1 KING

2 Los Angels warehouse and my trucker is
3 probably pushing me; Alex, I've been at
4 this warehouse trying to pick up the gloves
5 for a while.

6 I think in the last deposition,
7 the last time we speak, I told you about a
8 couple of times where, you know, where we
9 would go to pick up goods and the goods
10 would not be ready or the warehouse would
11 not know of the goods and hence, we would
12 have a lot of difficulty on the
13 transportation end, because we would send a
14 truck and the goods which would not be
15 available.

16 Q All right.

17 A Which would cause, you know,
18 it's a big deal for us because, you know,
19 we have to pay the truckers waiting time,
20 waiting fees, dry runs. If we send the
21 trucker to pick up the goods, but the goods
22 are not ready, so these are all extra costs
23 that arise when the goods are not ready
24 when they're expressed to be or when we're
25 not able to pick up the goods.

1 KING

2 Q I'm going to skip ahead in this
3 document, King Exhibit A, to page 104.
4 Again, Mr. King, if you can read through it
5 and I'll scroll down whenever you're ready.

6 MR. FRISCH: Alex, do you mind
7 if I take a one-minute break while
8 he's reading?

9 MR. SPERBER: Sure.

10 A Okay. Yes.

11 MR. SPERBER: Wait a minute for
12 Mr. Frisch to get back and then
13 we'll continue.

14 MR. FRISCH: I'm back.

15 Q Do you see where it says
16 warehouse is releasing us the gloves based
17 on ocean containers, not based on the
18 actual order amount?

19 A Yes.

20 Q Can you explain what was going
21 on there?

22 A Sure.

23 Q So this looks like we are --
24 okay. So this looks like these goods were
25 sourced by the supplier and it looks like

1 KING

2 it literally just arrived into United
3 States on ocean containers from overseas.
4 So we were probably at the warehouse
5 picking up the goods that were just
6 offloaded from the ocean container as
7 opposed to when we go to the warehouse to
8 pick up goods that have already been at the
9 warehouse already. Let me know if you need
10 me to repeat that.

11 Q Yeah. So if you can say that
12 again, I would appreciate it.

13 A These products in these
14 warehouses are all produced and
15 manufactured overseas in another country,
16 whether it be China or Southeast Asia or
17 wherever. So when these goods come in, it
18 goes into a warehouse. For this specific
19 case, I'm letting Brad know that these
20 goods just arrived via Ocean container and
21 these contain -- these cartons were
22 literally offloaded from a container, an
23 ocean container, directly onto our truck.
24 It did not pass through a warehouse. It
25 did not, like, you know, get offloaded from

1 KING

2 a container into a warehouse and then we
3 pick up from there. All transactions,
4 although it happened at the warehouse, it
5 was coming off the ocean container
6 directly.

7 Q Look a little further. You
8 wrote, I don't think they will figure this
9 out for a while. Do you have any
10 recollection of what was going on?

11 A I think I'm letting him know
12 that because we are sending three or four
13 trucks for this load and, you know, I think
14 they were asking me, you know, what was
15 picked up so far and what was not picked up
16 so far and I'm letting Brad know that, you
17 know, I don't think -- they're still, you
18 know, the first truck was just finished
19 unloading. We're not going to figure out
20 exactly what the status of the loading and
21 unloading is for this load.

22 Q All right. I'm going to skip
23 ahead to page 107 in King Exhibit A.
24 Please look through it. When you're ready,
25 I'll scroll down.

1 KING

2 A Okay. Yes. I read it. Thank
3 you.

4 Q I'm scrolling down.

5 A Okay. Yes

6 Q Do you have any recollection of
7 what was going on at this point in time?

8 A I do not remember the specific
9 instance. Again, it was a couple of years
10 ago. I can't recall is.

11 Q Do you know why you were asking
12 Brad for help. Alex King; please help
13 Brad.

14 A I can't recall. Maybe there
15 was a phone conversation before or after
16 this. I can't tell just based on this
17 communication, this transcript alone.

18 Q Okay?

19 A I have a feeling this has
20 something to do with -- I can't tell just
21 by this communication right now. I'm
22 sorry.

23 Q That's fine. Do you see where
24 it says that mistake from yesterday is
25 huge?

1 KING

2 A I don't recall from this
3 specific transaction --

4 Q Understood. I'm going to move
5 forward then. I'm going to move to page
6 109 in King Exhibit A. Please read through
7 it. When you're ready, let me know.

8 A Okay. Got it.

9 Q Scrolling down.

10 A Yes.

11 Q Looking at the top here, you
12 wrote to Brad; Medline is a mess. Do you
13 have any idea what you're referring to?

14 A Medline has several different
15 distribution centers throughout the United
16 States. Some Medline centers are better
17 than others upon receiving goods, but I do
18 recollect some Medline delivery locations
19 warehouses are very difficult to deal with,
20 where we are getting, you know, POD's late,
21 you know, it takes them a while to offload
22 the containers.

23 Just to let you know that when
24 we are talking about live unload and what
25 we mean by that, usually our trucker will

1

KING

2

go with the load to delivery and it will be

3

-- the goods will be offloaded from the

4

truck, what we call a live unload

5

immediately, when the trucker is there.

6

Other times Medline will be too

7

busy to receive goods at a specific time,

8

so what they will do is ask us to drop the

9

trailer at their location and then once

10

they finish unloading the container, they

11

will call us and let us know to pick up the

12

--

13

Q We've lost you there for a

14

second?

15

A So that prevents us from having

16

our trucker wait there.

17

Q So I guess it sounds like there

18

was a point in time where -- and I don't

19

mean to repeat you but -- where Medline was

20

making Dimerco or Dimerco's truckers drop

21

off trailers and come back later and

22

Dimerco did not have someone there to

23

supervise that process. Is that accurate?

24

A Yes, but normally, a lot of

25

times we are not able to supervise their

1 KING

2 process, because they would not let my
3 drivers inside the --

4 Q Do you see where Brad wrote we
5 need our guys there when they count and
6 unload?

7 A Yes.

8 Q Was he referring to those when
9 he wrote that?

10 A Yes.

11 Q Brad wanted to sure that you
12 had a Dimerco representative there at the
13 Medline warehouse while when Medline was
14 loading the truck?

15 A Yes, but as you can see a
16 couple of lines down, I let him know that
17 Medline don't let us have somebody there
18 to, and that is actually quite common.

19 It's actually a security, you
20 know, a lot of receiving parties,
21 especially some big companies like Medline
22 or even consumer products like Apple, HP,
23 these different companies, for security
24 reasons, they do not let trucking companies
25 inside the loading docks. It's quite

1 KING

2 common.

3 Q Do you recall, were there some
4 Medline locations where they more
5 cooperative and would let you keep a
6 Dimerco employee while they were loading?

7 A It's not like they do or don't.
8 My trucker is just, you know, I mean some
9 places, they were a little more friendly
10 where they don't make our truckers just
11 wait on the dock. They actually invite
12 them in to like, you know -- it ranges, but
13 some are more strict than others, yes. I
14 would say that.

15 Q So you sort let of -- let me
16 back up. Medline, when they received the
17 deliveries, they would unload the truck and
18 they'd also count what they were receiving?

19 A Yes. I mean that would be the
20 process. Either that was done behind
21 closed doors or in front of our driver, but
22 it depends on the shift or the location of
23 the Medline delivery.

24 Q Got it.

25 Do you know what Brad was

1 KING

2 referring to when he wrote we stem to be
3 screwed. I think he meant we seem to be
4 screwed. Do you have any recollection of
5 what he was referring to?

6 MR. RAKHUNOV: Objection.

7 A Honestly, I do not. You know,
8 maybe there was a telephone conversation
9 before or after this. I'm not sure. I
10 can't remember just based on this
11 communication.

12 MR. RAKHUNOV: Objection.

13 Q I'm going to jump ahead to page
14 112 of King Exhibit A.

15 A Yes.

16 Q Same thing. Read through it.
17 When you're ready, let me know and I'll
18 scroll down further.

19 A Yes. Okay.

20 Q Scrolling down.

21 A Sure. Okay.

22 Q Do you have a sense of what is
23 going on where there is a reference to an
24 extra load that was picked up?

25 A I honestly can't recollect from

1 KING

2 this.

3 Q You have no recollection of
4 what was going on in this conversation?

5 A I can't -- I do not know. I
6 can't tell. I can't tell just based on
7 this -- no, I cannot.

8 Q And then you wrote a little
9 further let's just keep quiet. You don't
10 have any recollection of what was going on?

11 A No.

12 Q I'm going to jump ahead to page
13 142 in King Exhibit A. Same thing; please
14 read through it and when you're ready let
15 me know.

16 A Okay. Yes.

17 Q Scrolling down.

18 A Okay.

19 Q Do you know what these
20 references are to overflow?

21 A No, I can't. I do not
22 remember. It may be dealing with this
23 supplier or another supplier or another
24 location that we picked up from. I can't
25 tell from this transcript.

1 KING

2 Q So you said please don't
3 mention the overflow. You have no idea?

4 A If I said don't mention the
5 overflow, it was probably because there was
6 no accurate number yet.

7 Q What is over flow?

8 A An overflow might be involved
9 into delivering more goods than what was --
10 what was expected. So, for example, if
11 Rock Fintek is trying to fill an order for
12 100 pieces and we pick up 50 pieces from
13 Adorama or whatever the case might be and
14 another 50 from another supplier, you know,
15 maybe there was -- whatever -- and then we
16 might have delivered from too many
17 suppliers to any specific location, yes.
18 So these are all, you know, things that
19 happen quite often in our industry.

20 Q So when you refer to we still
21 have some overflow at the LAX warehouse,
22 does that the seller provided too many
23 cartons of goods at the Los Angeles
24 warehouse?

25 A It could mean that, but it

1 KING

2 could also mean other scenarios as well.

3 Q Like what?

4 A It could have other scenarios
5 as well such as, you know, one location
6 might have like too many of the same orders
7 at a specific warehouse.

8 Q Well, where it says we have
9 some overflow at LAX warehouse, 1,341
10 cartons. Does that clarify for you that
11 it's referring to a certain number of
12 cartons?

13 A I can't tell by this
14 transaction, but, you know, having an
15 overflow could mean many situations where
16 we have, you know, a surplus of goods at a
17 specific warehouse.

18 Q Do you see towards the bottom
19 where you wrote, I don't know the
20 difference between Joel's and Hershey's
21 loads as the pickup and gloves are the
22 same.

23 Do you see where that is?

24 A Yes, I see that.

25 Q Do you have any recollection of

1 KING

2 what you are referring to over there?

3 A I do not. I can't confirm for
4 sure based on this transcript.

5 Q Dimerco was picking up gloves
6 sold by Joel Stern, correct?

7 A Sure. Yes, we have.

8 Q And also gloves sold by Hershey
9 Weiner?

10 A Yes, definitely.

11 Q Were you able to tell the
12 difference between those gloves when you
13 were picking them up?

14 A I would not. I would not know
15 the difference, no. Again, we don't
16 specialize in identifying goods. We are
17 strictly a transportation provider where we
18 are instructed to pick up certain goods and
19 that's what we do. We don't know really
20 how to identify them.

21 Q Did Dimerco keep any kind of
22 spreadsheet keeping track of what goods it
23 picked up from which supplier on behalf of
24 Rock Fintek?

25 A Yes, we would.

1 KING

2 Q Would you have that still?

3 A I'm sure I have it in my
4 records from years back, but I believe in
5 preparation I provided all this information
6 to Rock Fintek already. They have all the
7 reports that I provided them.

8 MR. SPERBER: I'm going to call
9 for production of those reports to
10 the extent they have not already
11 been produced.

12 MR. RAKHUNOV: Is that directed
13 too me or to --

14 MR. SPERBER: To both.

15 MR. RAKHUNOV: We have produced
16 those, Alex. There is nothing
17 further from Rock Fintek to produce
18 in that category. You have
19 everything we have.

20 MR. SPERBER: Okay.

21 Q Do you know if there were any
22 identifying details on the shipments that
23 Dimerco was picking up from Joel Stern or
24 --

25 A Can you repeat that question

1 KING

2 from the beginning please?

3 Q Sure. Do you know if there
4 were any identifying details on the boxes
5 or cartons that were being picked up from
6 Joel stern or Hershey Weiner that would let
7 you keep track of who was the seller?

8 A Unfortunately, no. The reason
9 why is because these are goods that are
10 sourced by Joel and Hershey and suppliers
11 of Rock Fintek. They're not actually the
12 manufacturers.

13 Q Do you know why Brad was trying
14 to figure out who the seller was over here?

15 MR. RAKHUNOV: Objection.

16 A I not recall, but there should
17 be no reason why -- I mean I think it's
18 quite clear that they do know who their
19 suppliers are. I think the question was
20 just about, you know, giving me the
21 instructions about what to pick up from
22 who.

23 Q The report I provided is based
24 on the BL numbers Hershey provided on his
25 report. Is that one of the reports that

1 KING

2 you gave to Rock Fintek to produce in this
3 lawsuit?

4 A Yes. These are reports that
5 are -- yes.

6 Q I'm going to jump ahead to page
7 150 in King Exhibit A. Once again, please
8 read through it and when you're ready let
9 me know.

10 A Okay. Yes.

11 Q Scrolling down.

12 A Yes. Okay.

13 Q Do you have any recollection of
14 what was going on in this conversation?

15 A I do not, but it looks like
16 there was a discrepancy with the report.

17 Q Was Brad relying upon Dimerco
18 to keep track of the number of goods, the
19 number of cartons of goods being picked up
20 from Rock Fintek?

21 A I don't think he was 100
22 percent relying on Dimerco. However, he
23 would use us as a reference. Again, we are
24 the transportation provider. We are not
25 able to -- you know, we are only instructed

1 KING

2 to pick up goods. We are not the ones
3 counting what we're picking up.

4 Q Would it be accurate to say
5 that beyond just providing shipping and
6 transportation services, you were also
7 helping Brad keep track of the shipments
8 going back and forth?

9 A It depends on our ability.
10 However, actual versus -- you know, we
11 cannot take that. We cannot be
12 responsible. For example, if he tells us
13 to pick up 1,000 cartons and we only pick
14 up 900 cartons, I mean we can't be liable
15 for that, because if it was short by 100
16 cartons, then we wouldn't -- we would not
17 take on that risk to be liable for the
18 value of the goods.

19 Q Sure, but I guess what I'm
20 asking is, you know, to your recollection,
21 did Brad have good records as to what Rock
22 Fintek had already picked up and delivered
23 to Medline?

24 MR. RAKHUNOV: Objection.

25 A I don't know if he has good

1 KING

2 records. I mean I'm sure he did. I mean
3 this guy -- he had a pretty big company
4 that is -- I would assume that he would,
5 yes.

6 Q Jumping ahead to page 154 in
7 King Exhibit A. Again, please read through
8 this and when you're ready, let me know.

9 A Okay.

10 Q Do you see where you wrote,
11 yes, this whole mess was a process from the
12 beginning, but agree totally?

13 A Yes.

14 Q What do you mean there?

15 A I think I mentioned this in the
16 last deposition that at that time during
17 COVID it was very difficult. A lot of the
18 process was that due to COVID, it was just
19 a very big mess. I mean, you know, I don't
20 think anybody had a clear accounting of any
21 transaction they were doing because, again,
22 like I said before in the past, we would go
23 up to pick up a certain amount of goods.
24 The goods would not be ready. They would
25 be incomplete. We would have to go back to

1 KING

2 pick up, you know, more goods to complete
3 the order. So, yes, it's very messy. A
4 lot of people were over-committing to what
5 they were actually able to supply.

6 Q Let me just back up a little
7 bit over here. If you go up a little
8 higher on the page, it says, from you, I
9 have not forgotten about this. We are
10 going over each POD and categorizing by
11 vender. Going back in history poses some
12 problems, but we'll clear this up soon.
13 Brad back to you thank you, need as soon as
14 possible. We should have tracked this all
15 along.

16 Do you see where I am there?

17 A Yes.

18 Q Do you have any recollection of
19 this conversation?

20 A I do not, but we had this type
21 of conversation all the time.

22 Q Do you have any reason to doubt
23 this is a conversation between you and
24 Brad?

25 A I have no reason to doubt that.

1 KING

2 Q It sounds like you were trying
3 to go back after the fact and figure out
4 which vendor sold which gloves to Rock
5 Fintek. Brad is responding, saying need it
6 as soon as possible and we should have
7 tracked it all along.

8 Is that an accurate summary of
9 what's going on here.

10 MR. RAKHUNOV: Objection.

11 A I can't tell exactly, but I
12 can't -- I don't know the purpose, but it
13 definitely seems like he is looking for an
14 updated report.

15 Q Again, do you know why was Brad
16 asking you to do this?

17 MR. RAKHUNOV: Objection. If
18 you know.

19 A Maybe as a cross reference.
20 I'm not sure. You might have to ask him.

21 Q Did you ever spoke with Joel
22 Stern?

23 A I'm sure I have.

24 Q How about Hershey Weiner?

25 A I probably have more

1 KING

2 recollection talking to Joel Stern than I
3 have with Hershey?

4 Q Can you recall any
5 conversations with Hershey Weiner?

6 A I honestly do not recall.
7 However, I do recall with Joel. But I do
8 not recall with Hershey.

9 Q I'm going to jump ahead to page
10 159 in King Exhibit A. Once again, please
11 read through this and when you're ready --

12 A Sure. Sure. Hold on. Yes.

13 Q Are you ready?

14 A Yes. I see this.

15 Q Can you broadly explain what
16 was going on in this conversation?

17 A I'm looking to get paid.

18 Q How much money did Rock Fintek
19 owe you?

20 A I can't recall, but I think
21 it's around 40K. Give or take. I can't
22 remember the exact number.

23 Q You say over here Neither May
24 or anybody could have handled your business
25 smoothly, because unfortunately RF was

1 KING

2 disorganized. Is RF Rock Fintek?

3 A Yes.

4 Q Do you believe Rock Fintek was
5 disorganized in the way it was handling its
6 business?

7 MR. RAKHUNOV: Objection?

8 A No, not -- I mean I don't know
9 what emotional state I was in when I sent
10 this message, but obviously I was looking
11 for payment.

12 Q You think Rock Fintek was
13 organized?

14 A It depends. I mean they're
15 running like a multimillion-dollar
16 business. I'm sure they are organized to a
17 certain extent. I don't know what I was
18 referring to specifically at this point,
19 but it was definitely involved with me
20 trying to collect payment. For sure.

21 Q You say you're sure they were
22 organized to a certain extent. Do you have
23 any knowledge of that or is just, you know,
24 anyone who's running a business that size,
25 it must be organized?

1 KING

2 MR. RAKHUNOV: Objection.

3 A I wouldn't know. I'm just
4 trying to collect my bill, my payment, but
5 no, I mean I can't -- I was not directly
6 involved with the running of their business
7 or inside of their business, no.

8 Q Has Rock Fintek ever paid the
9 money that they owe you?

10 A No.

11 MR. RAKHUNOV: Objection.

12 Q I want to show you what I'm
13 going to mark as King Exhibit E.

14 MR. SPERBER: I'm going to mark
15 Exhibit E.

16 (Whereupon, a Whatsapp log was
17 marked as King Exhibit E for
18 identification, as of this date, by
19 the reporter.)

20 Q Mr. King, can you see a
21 document in front of you?

22 A Yes, I do.

23 Q This is another chat log,
24 another WhatsApp chat log, produced by Rock
25 Fintek in discovery here.

1 KING

2 Do you recall the -- that when
3 you were using Whatsapp to communicate with
4 Rock Fintek, did you have multiple chat
5 groups with them?

6 A Yes, for sure.

7 Q It looked like the last one was
8 just you and Brad Gilling. This one
9 appears to also have Tommy Kato in it.
10 Could that be possible?

11 A Absolutely it could be
12 possible.

13 Q I'm going to jump ahead to page
14 61 in this document. We're on page 61 of
15 King Exhibit E. If you can just read
16 through this I would appreciate it.

17 A Okay. Yes.

18 Q Okay. Looking at the top over
19 here.

20 A Sure.

21 Q It says from you, on a separate
22 note base both trucks picked up today for
23 the MedCare gloves from Mendel. Confirm
24 all Medcare gloves. Do you see where I am?

25 A Yes, I see it.

1 KING

2 Q Who is Mendel?

3 A I'm sure Mendel is one of
4 the suppliers for Rock Fintek.

5 Q How did you confirm the gloves
6 being picked up were Medicare gloves?

7 A I would only be able to
8 identify them by the outer cartons.

9 Q The trucker would tell you the
10 outer cartons said Medicare on them?

11 A Yes.

12 THE WITNESS: Alexander, can we
13 have a like a five-minute break
14 real quick.

15 (Whereupon, a short recess was
16 taken.)

17 Q Let me ask you a question. Do
18 you know if there was any relationship
19 between Joseph Weiner and Hershey Weiner?

20 A I would not know.

21 Q In this -- we're on page 61 of
22 King Exhibit E, like Eric. It says, the
23 second line down, on a separate note, both
24 trucks picked up today for the Medicare
25 gloves from Mendel. Then it continues,

1 KING

2 confirm all is Medcare gloves.

3 Do you have any recollection,
4 first of all, of sending these texts?

5 A Again, they're from a couple of
6 years ago, so no.

7 Q But you have no reason to doubt
8 that these are texts you sent?

9 A Absolutely, I have no doubt. I
10 wouldn't assume otherwise.

11 Q If you look further down, it
12 says, Louis just called me and told me that
13 Joel's order was shipped out last week, so
14 it's not available anymore. He just
15 informed Joel. Please check with Joel.
16 Yikes. You respond, bad news.

17 Do you have any idea what's
18 going on here? What is the bad news?

19 A I can't recall, but I'm
20 assuming we were supposed to pick up some
21 goods that are no longer there. Again, I
22 do not recall specifically, but that's what
23 I'm assuming by this transcript.

24 Q Looking down further, you say
25 most likely the quote, extra, unquote, load

1 KING

2 we picked up 4/19. Do you have any
3 recollection what extra load you are
4 referring to here?

5 A No. I do not recall. However,
6 based on this, it's likely so, you know, we
7 didn't -- based on this transcript, it says
8 most likely there is an extra load. I
9 wasn't a hundred percent sure whether this
10 was an extra load or not.

11 Q You say we will not mention
12 anything unless they come to us. Do you
13 have any idea what you were talking about?

14 A Well, I didn't say that. Brad
15 said that, but no, I do not know. I think
16 he was double-checking from his end, I'm
17 assuming so.

18 Q Do you know why Brad didn't
19 want you to mention it?

20 MR. RAKHUNOV: Objection?

21 A I just didn't think that it was
22 confirmed, anything was confirmed. I do
23 not know. I'm not sure.

24 MR. SPERBER: I'm going to mark
25 what I'm going to call King Exhibit

1 KING

2 F, like Frank.

3 (Whereupon, a e-mail was marked
4 as King Exhibit F for
5 identification, as of this date, by
6 the reporter.)

7 Q Do you see an e-mail in front
8 of you?

9 A Yes.

10 Q It appears to be an e-mail
11 dated June 11, 2021 from a Vincent Moccio
12 to you?

13 A Okay.

14 Q The subject line of re and then
15 in brackets, external. Then it says re
16 next 20 containers. First, do you know who
17 Vincent Moccio is?

18 A Yes.

19 Q Who is that?

20 A The receiving party.

21 Q Meaning the party to whom Rock
22 Fintek was shipping the goods?

23 A Yes. Correct.

24 Q It says theresourcegroup.com.
25 Do you know what the Resource Group is or

1 KING

2 was?

3 A I believe a distribution arm of
4 Medline. Can you just wait one second? I
5 can probably confirm that real quick.

6 MR. RAKHUNOV: You don't have
7 to do any research, Mr. King. He
8 was just asking you for your best
9 recollection.

10 A Okay. Sorry. Definitely the
11 receiving party. I'm not sure if they are
12 the receiving party for Medline.

13 Q Looking at this, and it says
14 over here, from Mr. Moccio to you, purchase
15 order and it says a long number, detail on
16 this PO for 200 million gloves is attached.
17 We received 185,416 of the 200 million
18 individual gloves. Outstanding equal
19 14,584,000 gloves or 14,584 cases slash
20 cartons. If each truck delivers 3,000
21 cases, that's 4.86 truckloads outstanding.
22 Then it says, below there is a bullet
23 point, Alex has 11,545 cases slash cartons
24 scheduled for delivery. Looks like we will
25 go over the 200 million amount after these

1 KING

2 deliveries occur. Do you see where I am?

3 A Yes, I see it.

4 Q In highlighting, in bold, it
5 says please do not deliver any additional
6 gloves and then there are four -- looks
7 like four truckloads described.

8 Do you have any recollection
9 what was going on in regards to this
10 e-mail?

11 A I do not. I do not.

12 Q Do you recall receiving this
13 e-mail?

14 A I'm sure I did. I'm sure I
15 did. It looks accurate to me. Without
16 doing any like, you know, research right
17 now, I can't recall exactly. I can't
18 recall, but I have no reason to assume it's
19 not accurate.

20 Q Do you know if these last four
21 shipments were delivered?

22 A I do not recall.

23 Q Do you recall if anything
24 beyond these four shipments would have been
25 delivered?

1 KING

2 A I do not recall. I can't
3 remember. I mean this is so many
4 deliveries, transactions. I can't recall
5 specific ones from a couple of years ago.
6 I'm sorry.

7 Q That's fine. Understood.

8 You mentioned last time that at
9 the very outside of Dimerco's relationship
10 with Rock Fintek, Dimerco had asked for a
11 million dollar deposit. Is that accurate?

12 A That was the beginning of the
13 relationship where it kind of was not
14 established.

15 Q Can you explain?

16 A So usually with new clients
17 that we sign to partner with Dimerco, we
18 would have to go through a credit
19 application process to provide them with
20 credit. However, during the peak of the
21 pandemic, our company changed its policy
22 where we would not issue credit during the
23 pandemic for risk purposes.

24 So for that specific case,
25 during the peak of pandemic, due to the

1 KING

2 high cost of freight, at that time we would
3 ask sometimes our client to prepay us in
4 advance.

5 Q Am I correct in understanding
6 that prior to the pandemic Dimerco had
7 never done business with Rock Fintek?

8 A I can confirm that. That's
9 correct.

10 Q They gave you a million dollar
11 deposit at the outset to give you security.

12 A With our cooperation, yes.

13 Q What happened that at the end
14 of this whole process they owed you
15 \$40,000?

16 A That was at the end of our
17 cooperation, toward the end of the
18 cooperation. You know, once, you know, the
19 COVID was starting to, you know, kind of
20 improve, the situation was kind of
21 improving, so the demand for PPEs was not
22 as high anymore. So during that time our
23 cooperation with Rock Fintek decreased
24 significantly. So yes, it was -- you know,
25 the relationship in the beginning was

1 KING

2 completely different than at the end, yes.

3 Q Is that your understanding of
4 why their business wound down, that the
5 pandemic was coming to an end?

6 MR. RAKHUNOV: Objection?

7 A I mean I would just assume it
8 was because the demand for PPEs was
9 decreasing due to the pandemic. That is
10 what I would assume.

11 Q Did it bother you that Rock
12 Fintek made \$30 million or more than \$30
13 million in profit and yet never paid the
14 \$40,000 they owed to Dimerco at the end of
15 the whole thing?

16 A I mean it's business. I mean
17 these things happen quite often, I guess.
18 I don't take it necessarily personally, but
19 -- I mean don't. I really don't.

20 Q You don't what?

21 A I mean I don't feel a certain
22 type of way. I think during that time
23 everybody made a certain -- everybody's
24 profit margin increased significantly,
25 including ours.

1 KING

2 Q Did you personally have any --
3 I don't mean Dimerco, but I'm talking about
4 you personally -- did you have any negative
5 impacts as a result of Rock Fintek not
6 paying Dimerco the \$40,000 that it was
7 owed?

8 A Yes. Indirectly, I would say,
9 where it would affect our performance, our
10 station's performance. If we had any
11 outstanding uncollectible AR, accounts
12 receivables, it would be deducted from our
13 performance and ultimately it would be
14 deducted from my, you know, compensation as
15 well. Almost kind of like somebody running
16 on a check where the waiter would be
17 indirectly affected.

18 Q Dimerco didn't take that money
19 from your paycheck?

20 A No. It was deducted from my
21 performance and it was deducted from our
22 station's performance. And as a profit and
23 loss head of the station, I would be
24 directly responsible for any outstanding
25 monies that are not received from our

1 KING

2 customers.

3 Q But you're not angry that they
4 didn't pay at the end?

5 A Am I angry? It's not the ideal
6 situation, so I can't tell you that I
7 wasn't angry. Yeah. No one wants these
8 things to happen. I was not happy about
9 it.

10 Q But to you it's just business?

11 A It's business. For me, I try
12 not to take these things personal. I.

13 MR. SPERBER: All right. I
14 think that's it for my questions.

15 Anybody want to go after me?

16 MR. FRISCH: I guess I'll go
17 next. I only have a few questions.

18 EXAMINATION BY

19 MR. FRISCH:

20 Q Last time you testified you had
21 some text messages with Joel Stern. Do you
22 have copies of those messages?

23 A I do.

24 Q Can you provide copies of those
25 messages?

1 KING

2 A I can.

3 Q E-mail would be fine after
4 we're done. Sometime in the next few case.

5 Was the substance of those
6 messages -- were those messages substantive
7 or just about arranging deliveries and
8 pickups?

9 A I'm looking at the text message
10 right now. It's only ten lines of
11 communication. Give me a second while I
12 read the conversation.

13 Yes, it's more transactional in
14 terms of coordinating pickups.

15 Q Did you ever have any
16 conversations with Joel Stern either by
17 phone or text message regarding the
18 substance of the transaction, like your
19 price or type of gloves or anything like
20 that?

21 A Not price. I would not be
22 involved with the pricing or value of the
23 goods. However, I may have spoken about,
24 you know, picking up specific goods. For
25 example, hey, you know, picking up Medline

1 KING

2 gloves or something like that.

3 Q Do you recall if Joel Stern
4 sold anything other than Medcare gloves to
5 Rock Fintek?

6 A I would not know.

7 Q Did you ever arrange Medcare
8 gloves to be shipped to Rock Fintek or
9 Medline by any other supplier other than
10 Joel Stern and Adorama and kitchen Winners?

11 A Yes.

12 Q Do you recall the names of
13 those suppliers?

14 A I do not recall because, again,
15 there was a lot of suppliers. I can't
16 remember which suppliers handled which type
17 of brand gloves.

18 Q But Medcare gloves were sold by
19 other suppliers other than the parties to
20 this lawsuit.

21 MR. RAKHUNOV: Objection.

22 A Medcare gloves are quite common
23 at that time and many suppliers were
24 pushing those gloves.

25 Q Do you know if Medline had a

1 KING

2 quality team or other group of people who
3 inspected the deliveries once they were
4 delivered at their warehouse?

5 A Yes.

6 Q Do you know what type of
7 information they did?

8 A I do not know. I do not get
9 involved in that. However, I do know for a
10 fact that they would do inspections upon
11 receiving the gloves, yes.

12 Q They would do counts of gloves
13 -- would they do counts of gloves, to your
14 knowledge?

15 A Yes, they would and they would
16 also do quality check.

17 Q And they would verify that what
18 was being delivered was what the client
19 expected to be delivered?

20 A Yes.

21 Q So somebody had the ability to
22 check once it was delivered at the
23 Medline warehouse. Either Medline or the
24 client -- somebody would be able to check
25 if what was claimed to have been delivered

1 KING

2 actually had arrived?

3 A The receiving party. Yes.

4 That's correct, sir.

5 Q Do you recall an individual by
6 the name Edo Topel?

7 A Yes. Edo was another supplier
8 of Rock Fintek.

9 Q Do you know who he supplied?

10 A I do not recall, but it's PPE
11 related. Specifically I can't recall.

12 MR. FRISCH: That's all I have.

13 Thank you.

14 THE WITNESS: Thank you.

15 EXAMINATION BY

16 MR. RAKHUNOV:

17 Q Mr. king, I represent Rock
18 Fintek.

19 A Hi, Phillip. How are you?

20 Q Well. Again, thank you for
21 your time today. Let me just put another
22 exhibit on the screen.

23 MR. RAKHUNOV: This is actually
24 Exhibit A. It may look slightly
25 different, but it's the chat with

1 KING

2 Alex King that Mr. King has been
3 questioned about today. It's just
4 the version I have on my computer.

5 Q So can everyone see a text box
6 with a chat on their screen right now?

7 A I see it.

8 Q So I will direct your attention
9 to -- unfortunately, I don't have the same
10 page numbers that Mr. Sperber had, but I'm
11 going to start. I'm going to ask you to
12 read. Let me just highlight. Do you see I
13 highlighted a block of texts on April 26,
14 2021 starting at 940 a.m. and then going
15 through 2:13 p.m.?

16 A Yes, I see. I read it.

17 Q Do you see at 11:46 a.m. you
18 write to Mr. Gilling, call me back. Jimmy
19 from the warehouse just called me and told
20 me that Mendel instructed him to load the
21 trailer half and half with LevMed and
22 Medicare gloves. Do you see that?

23 A Yes.

24 Q Do you recall the circumstances
25 that led you to write this message?

1 KING

2 A I can't recall, sir. Again,
3 I'm just relaying messages I'm receiving
4 from the warehouse.

5 Q Do you remember who Jimmy was
6 at the warehouse?

7 A Yes. Jimmy was a warehouse
8 worker at the warehouse that we were
9 picking up the goods from.

10 Q Do you recall what warehouse
11 specifically?

12 A Yes. I believe it's a
13 warehouse called MD3 in Los Angeles

14 Q And would bills of lading or
15 proofs of delivery related to these
16 shipments have the specific address of that
17 warehouse?

18 A Absolutely.

19 Q When you use the name Mendel
20 here, are you referring to Mendel Bannon?

21 A I don't know his last name, but
22 I only dealt with one Mendel in my life.

23 Q Could it be any other Mendel
24 other than the Mendel that was involved in
25 the relationship with Rock Fintek?

1 KING

2 A Honestly, I wouldn't remember
3 because I never dealt with that name
4 before. It's not a familiar name. It's a
5 unique name. So I wouldn't remember that.
6 I only dealt with one Mendel in my whole
7 entire life.

8 Q In the next line you give a
9 phone number for Jimmy and then you mention
10 Louis, also with a phone number.
11 Who is Louis?

12 A Louis is also a worker at that
13 specific warehouse.

14 Q By the way, do you know Jimmy
15 or Louis' last names?

16 A Maybe, maybe not. I don't
17 think I do. I don't think I do, sir. Only
18 because I never met them in person before.
19 We never exchanged name cards. Most of the
20 communication was done via phone.

21 Q You write on April 26, 2021 at
22 11:55 a.m., I just spoke to both warehouse
23 guys, Jimmy, his phone, and Louis, his
24 phone number. Both of them said the same
25 thing, that Mendel instructed them to load

1 KING

2 us with half Medicare and LevMed gloves. Do
3 you see that?

4 A I do, sir.

5 Q Other than what you wrote here,
6 do you recall anything else about your
7 conversations with either Jimmy or Louis?

8 A Not regarding this specific
9 transaction, no, sir.

10 Oh. See; I think there is a
11 last name for Louis. His last name is
12 Navarro.

13 Q Are you referring to the line
14 in the chat April 26 2021 at 6:31 p.m.,
15 correct?

16 A That's correct, sir.

17 Q Before we leave this, I want to
18 ask you about another section of this.
19 Just bear with me for a second. So I will
20 direct your attention to -- scratch that.

21 Hang on a second. We can skip
22 this. Sorry about this. Just bear with me
23 for a minute.

24 You were asked a little bit
25 earlier today about discussions you might

1 KING

2 have had with Joel Stern. Do you remember
3 that?

4 A Yes, sir.

5 Q So let me direct your attention
6 to the chat on June 2, 2021 at 8:36 p.m. Do
7 you see you write, Brad I just got a call
8 from Joel, very strange call. He said he
9 got my number from a mutual friend. He
10 told me he has containers on the ground and
11 asked me if I have any buyers for these
12 nitrile gloves and I can earn commission.

13 Do you see that?

14 A Yes.

15 Q Do you remember receiving a
16 phone call like that from Joel Stern?

17 A I do, actually. I do remember
18 that, because that was a very strange phone
19 call.

20 Q What do you remember about
21 that?

22 A I remember that specifically
23 because as somebody from a transportation
24 company, I'm not a buyer of any sorts. So
25 it's very strange that a customer or

1 KING

2 indirect customer or supplier would call
3 me, as a transportation guy, to ask me to
4 buy goods, actual, you know, goods. It
5 would be like me calling you up and asking
6 you if you need a truck, you know.

7 Q And was that the only
8 conversation you had with -- let me back
9 up. Do you recall specifically what Mr.
10 Stern said to you on that phone call?

11 A I do not remember specifically.
12 I remember the premise of the call. He was
13 asking me; he has goods to sell me and if I
14 can introduce him to any buyers.

15 Q Do you recall what specifically
16 he told you about the goods? Did he tell
17 you -- you write here nitrile gloves. Do
18 you see that?

19 A Yes.

20 Q Do you recall if Mr. Stern told
21 you anything else about these gloves other
22 than that they were nitrile?

23 A I'm sure he told me the specs
24 of the gloves, but I can't remember.

25 Q Do you remember what brand

1 KING

2 gloves Mr. Stern --

3 A I'm sorry. I do not remember
4 what brand gloves or the specs were,
5 because I'm not a real buyer. That
6 wouldn't resonate with me.

7 Q No need to apologize. I'm just
8 asking for your best recollection. Do you
9 know if Mr. Stern ever called you again
10 after this call?

11 A No. I don't think he called me
12 twice. He might have. I don't remember.
13 I definitely remember this, him calling me
14 to see if I had interest in buying gloves.
15 I do not recall if I ever had a future
16 conversation about this, but I definitely
17 recall this conversation with him, yes.

18 MR. RAKHUNOV: Let's mark the
19 next document that I put on the
20 screen as -- we're up to G.

21 (Whereupon, a proof of delivery
22 was deemed marked as King Exhibit G
23 for identification, as of this
24 date, by the reporter.)

25 Q Mr. King, do you see an image

1 KING

2 on your screen before you?

3 A I do.

4 Q I'll try to make it a little
5 bigger. Hopefully that helps.

6 Do you recognize the type of
7 document that is before you in Exhibit G?

8 A Yes, sir.

9 Q What is it?

10 A There is, to us, a delivery
11 order or a trucker's bill of lading, and
12 once it's delivered, we would also use this
13 document as a proof of delivery. So it
14 starts off as bill of lading slash delivery
15 order. Once it's delivered and gets signed
16 off, it becomes proof of delivery.

17 Q Are you familiar with a process
18 in which a document like this goes from
19 being a delivery order to a proof of
20 delivery?

21 A Yes.

22 Q And it's a part of your
23 business, a part of your profession, to
24 dealt with documents like this on a daily
25 basis?

1 KING

2 A That is correct, sir.

3 Q Can you take us through the
4 process of -- strike that.

5 Do you see there is various
6 handwritings and check marks and
7 highlightings on this document?

8 A Yes. Welcome to the world of
9 logistics. It's a lot of handwriting, yup.

10 Q To the best of your ability,
11 can you take us through this document? I'm
12 happy to ask you, piece by piece, to go
13 through the various sections and to just
14 explain what they are or if you can just
15 take us through it. Either way.

16 A A bill of lading to us is
17 almost like a contract with the customer.
18 So it has specific instructions. The
19 shipper will be where we're picking up from
20 and the consignee is the delivering party.

21 Q Do you see a reference to a PO
22 at the bottom of the consignee box?

23 A Yes, sir.

24 Q Do you know what that number
25 references?

1 KING

2 A The PO is the purchase order
3 number and that will be our customer's
4 reference number. So that would be Rock
5 Fintek's or Medline's purchase order
6 number.

7 Q So that would be the purchase
8 order that's provided to you, not a
9 purchase order that Dimerco generates?

10 A That's correct, sir.

11 Q So do you know what the address
12 1351 Veterans Parkway, Clarksville, Indiana
13 is?

14 A That is a delivery address.
15 However, I want to be transparent. It is
16 customary in our industry to use different
17 types of identification so we do not
18 disclose our customer's customer to the
19 supplier.

20 Q I'm sorry. Can you explain
21 what that means?

22 A Yes, because if I were to
23 write, as a consignee, Medline at whatever
24 address they're at, this is the same
25 document that the supplier would also

1 KING

2 receive. So that would mean the supplier
3 would see9 Rock Fintek's customer. To
4 protect our customer's best interest, we
5 would try to hide that information from the
6 supplier.

7 Q Understood. To do that in this
8 situation, do you know what information was
9 changed. Was it the address or just the
10 name --

11 A The name, Dimerco. The 1351
12 Clarksville, Indiana, that is still an
13 accurate address, but, you know, instead of
14 putting Medline --

15 Q Understood, and I appreciate
16 that, because that was causing me some
17 confusion trying to figure out why Dimerco
18 put its name and the warehouse address.

19 Do you see some handwriting
20 next to it? I believe it says Meghan
21 Flower and there is a phone number. Do you
22 know what that handwriting refers to?

23 A I do not.

24 Q Do you know who would make a
25 notation like on that this document? I'm

1 KING

2 making it a little bigger?

3 A Most likely it's the receiving
4 party.

5 Q So going to the next section,
6 do you see where it says shipping units?

7 A Yes, sir.

8 Q So who fills in that
9 information of 30 pallets?

10 A That information would be
11 filled out by us, Dimerco, based on the
12 instructions from our client.

13 Q In this case, Rock Fintek is
14 asking you to pick up 30 pallets of product
15 at the MD 3PL warehouse in Ontario,
16 California, correct?

17 A That's correct, sir.

18 Q So the next box under the
19 heading kinds of packaging description of
20 articles, special marks and exceptions, it
21 say 2,933 cartons and it has same
22 dimensions, density, and something called a
23 PCF. Who fills in that information?

24 A We fill that out on behalf of
25 the client.

1 KING

2 Q Do you see hovering over this
3 box, there are a couple of what looks to be
4 like stamps with Medline Industries drop
5 dates and seal number? Do you understand
6 that what refers to?

7 A Yes. That is the
8 identification of Medline and their proof
9 of delivery.

10 Q Somebody at Medline would have
11 put a stamp like that on this document?

12 A Once we deliver the goods and
13 they received the goods, my trucker would
14 ask for them to be provide a proof delivery
15 and this would be their version of proof of
16 receipt of the goods of what they received.
17 Does that make sense?

18 So it's not that clear, but if
19 you zoom in on it, under the weight, you
20 see how it says Medline?

21 Q Yes.

22 A So if you really look at it,
23 that 4/25/21, that's probably the received
24 dates. Underneath is how many cartons it
25 was received, how many pallets it was

1 KING

2 received, and then right there is a
3 signature. If you can imagine, it's just
4 literally a stamp to confirm that it's from
5 Medline and then it gets filled in by
6 Medline with a signature, who received it,
7 and how many pieces it received and when
8 and that will act as proof of delivery.

9 Q On the left you see something
10 that looks like it says seal number?

11 A Yes.

12 Q Do you know what that refers
13 to?

14 A Every full truckload that we
15 deliver, so when you go on the road and see
16 like a 53-foot trailer on the road, in the
17 back it's locked. So every time the
18 supplier finished loading the container, we
19 would lock the trailer and put a seal on it
20 and that seal would prove that during
21 transportation that that trailer was not
22 opened. Does that make sense?

23 Q That makes sense.

24 So who wrote this seal number
25 on the proof of delivery?

1 KING

2 A Medline did.

3 Q Does Dimerco maintain a copy of
4 that seal number if it ever needed to be
5 verified?

6 A Yes, we would have that.

7 Q And you have that in your
8 internal records; obviously it wouldn't be
9 written on this document in advance?

10 A No, it would be not be, only
11 because -- that seal protects us from
12 anybody accusing us of opening up the
13 trucks after it was already loaded. It
14 prevents pilferage. It prevents people --

15 Q Going down to the signature
16 block, do you see where it says shipper, MD
17 3PL?

18 A Yes.

19 Q What does that signature refer
20 to?

21 A That is the person that acts at
22 the supplier. Antonio was the one that
23 helped us load the trailer at MD 3PL.

24 Q And the carrier XDL Trucking,
25 what does that refer to?

1 KING

2 A That is the trucking company
3 and Yang Feng is the driver of that
4 specific truck.

5 Q At what point in the shipping
6 process does the driver puts his or her
7 signature on this document?

8 A As soon as the truck driver
9 identifies which trucker has been
10 dispatched to pick up the load.

11 Q Under consignee, it says
12 Dimerco?

13 A Yes.

14 Q Would someone from Dimerco
15 actually sign this document?

16 A No, because we're not the
17 actual receiving --

18 Q So, again, the name Dimerco
19 here is included to prevent the true
20 identity of the receiving party, correct?

21 A From the supplier, that's
22 correct.

23 Q And the stamp that we looked at
24 a few minutes ago, what looks to be a
25 signature in the box, where it says

1 KING

2 signature consignor, that's the proof of
3 receipt by Medline?

4 A Yes, sir. That's correct.

5 MR. RAKHUNOV: I don't have any
6 other --

7 Q Do you see at the top where
8 there's a log number 78731?

9 A That's correct, sir.

10 Q Do you know what additional
11 information, if any, Dimerco has in its
12 systems beyond what appears on this
13 document?

14 A No, sir. That load number will
15 be acting as our reference number,
16 Dimerco's reference number.

17 Q In its systems, I guess in its
18 business records, would Dimerco have in its
19 database some information associated with
20 this load number that is not included on
21 this document that's marked as Exhibit G?

22 A Can you repeat the question?

23 Q Is it accurate that there is
24 some record in your company system that you
25 can pull up information related to load

1 KING

2 number 78731?

3 A Absolutely. We need that in
4 our system to do the billing.

5 Q My question is; do you know if
6 there would be information in your system
7 that is additional to what we're seeing on
8 the document here?

9 A Yes. You know, that would be
10 more Dimerco's internal information such as
11 price agreed for this trucker to perform
12 this job for us.

13 Q Would there be notes of
14 conversations with a client or anything to
15 that effect in your system?

16 A No.

17 Q The top of the document we saw
18 a minute ago, there is a label Dell
19 Express, and forgive me; I believe you were
20 asked about this last time. What is Dell
21 Express?

22 A Dell Express is a trucking
23 company we use. It's one of our truck
24 vendors.

25 Q And so then they in turn may

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KING

procure another carrier. So the carrier
may be different from the trucking company?

A Yes. It's kind of confusing.
Dell Express, they're our truck vendor for
us, but they also act as a truck broker
where they have a network of truckers that
they can assign.

Q Understood.

A But we do not deal with those
independent truckers. We deal with Dell
Express so the transaction is between
Dimerco and Dell Express.

MR. RAKHUNOV: Mr. King, I
don't have anything else at this
time. Thank you.

MR. SPERBER: Thank you, Mr.
King, for your assistance. We
really appreciate it.

(Whereupon, at 3:13 p.m., the
examination of this witness was
concluded.)

D E C L A R A T I O N

I hereby certify that having been
first duly sworn to testify to the truth, I
gave the above testimony.

I FURTHER CERTIFY that the foregoing
transcript is a true and correct transcript
of the testimony given by me at the time
and place specified hereinbefore.

ALEXANDER KING

Subscribed and sworn to before me
this ____ day of _____, 2023.

NOTARY PUBLIC

E X H I B I T S

PLAINTIFF EXHIBITS

EXHIBIT	EXHIBIT	PAGE
NUMBER	DESCRIPTION	
Ex A KING	WhatsApp log	6
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INFORMATION AND / OR DOCUMENTS REQUESTED

INFORMATION AND/OR DOCUMENTS	PAGE
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C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

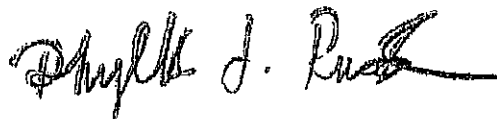
COUNTY OF KINGS)

I, PHYLLIS F. RUSSEK, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 22nd day of October, 2023.

A handwritten signature in dark ink, appearing to read "Phyllis F. Russek", is written over a horizontal line.

PHYLLIS F. RUSSEK

1 Errata Sheet

2

3 NAME OF CASE: KITCHEN WINNERS NY INC. -against- ROCK FINTEK LLC

4 DATE OF DEPOSITION: 09/18/2023

5 NAME OF WITNESS: ALEXANDER KING

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24

25

1 Errata Sheet

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17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24

25

89Index: \$30—any

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